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IOR/R/15/5/207

المرجع

"ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت"

العنوان

٢٢ نوفمبر ١٩٣٧ - ٤ مايو ١٩٣٨ (ميلادي)

التاريخ/ التواريخ

الإنجليزية في اللاتينية

لغة الكتابة

ملف واحد (٣٩ ورقة)

الحجم والشكل

المكتبة البريطانية: أوراق خاصة وسجلات من مكتب الهند

المؤسسة المالكة

رخصة حكومة مفتوحة

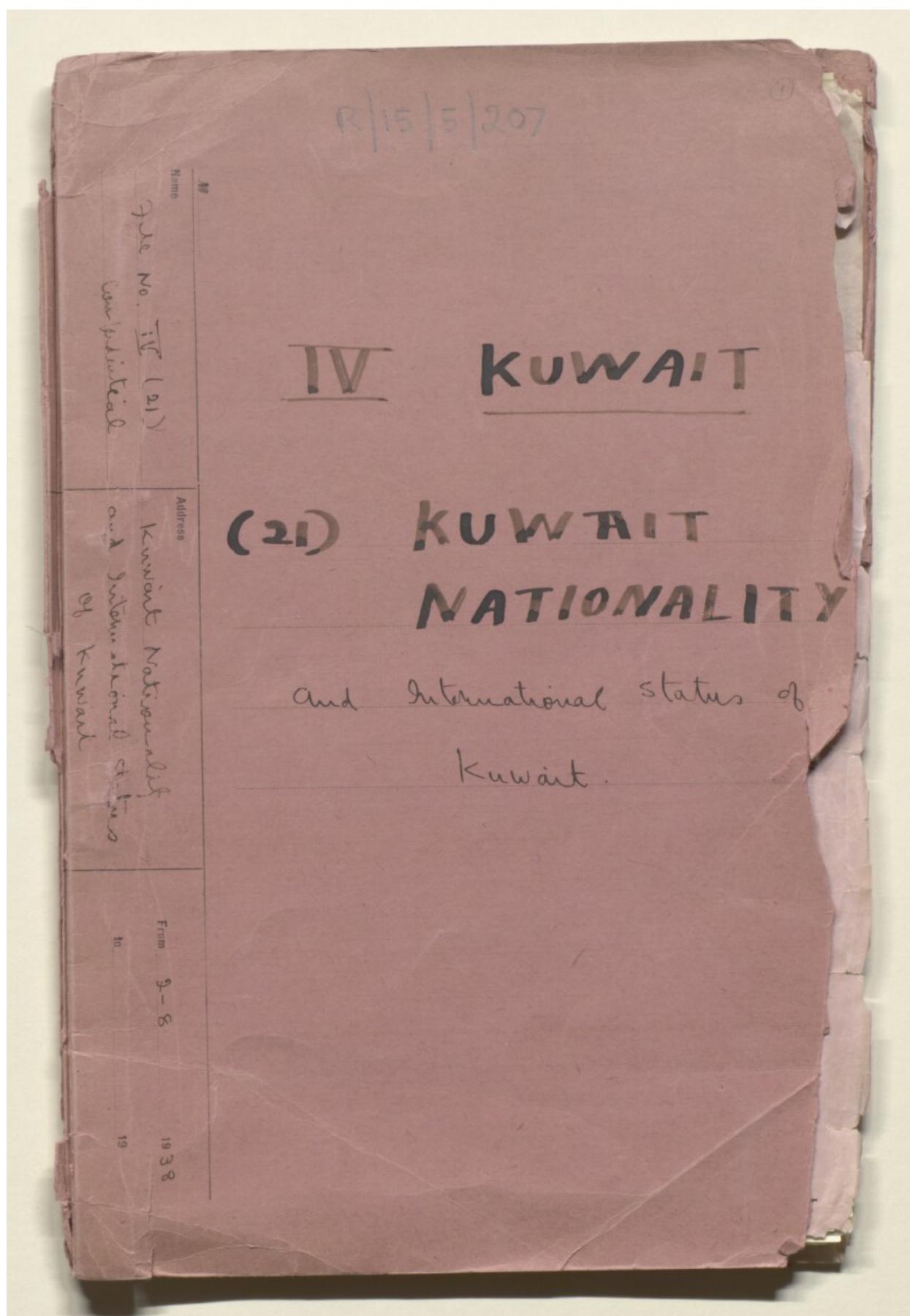
حق النشر

### حول هذا السجل

يحتوي هذا الملف على مراسلات بين مسؤولين في مكتب الهند ووزارة الخارجية بخصوص الوضع القانوني والتطور التاريخي للجنسين البرينية والكونية. يحتوي الملف في نهايته أيضاً على مراسلات ومذكرة بخصوص رسم الحدود العراقية-الكونية.

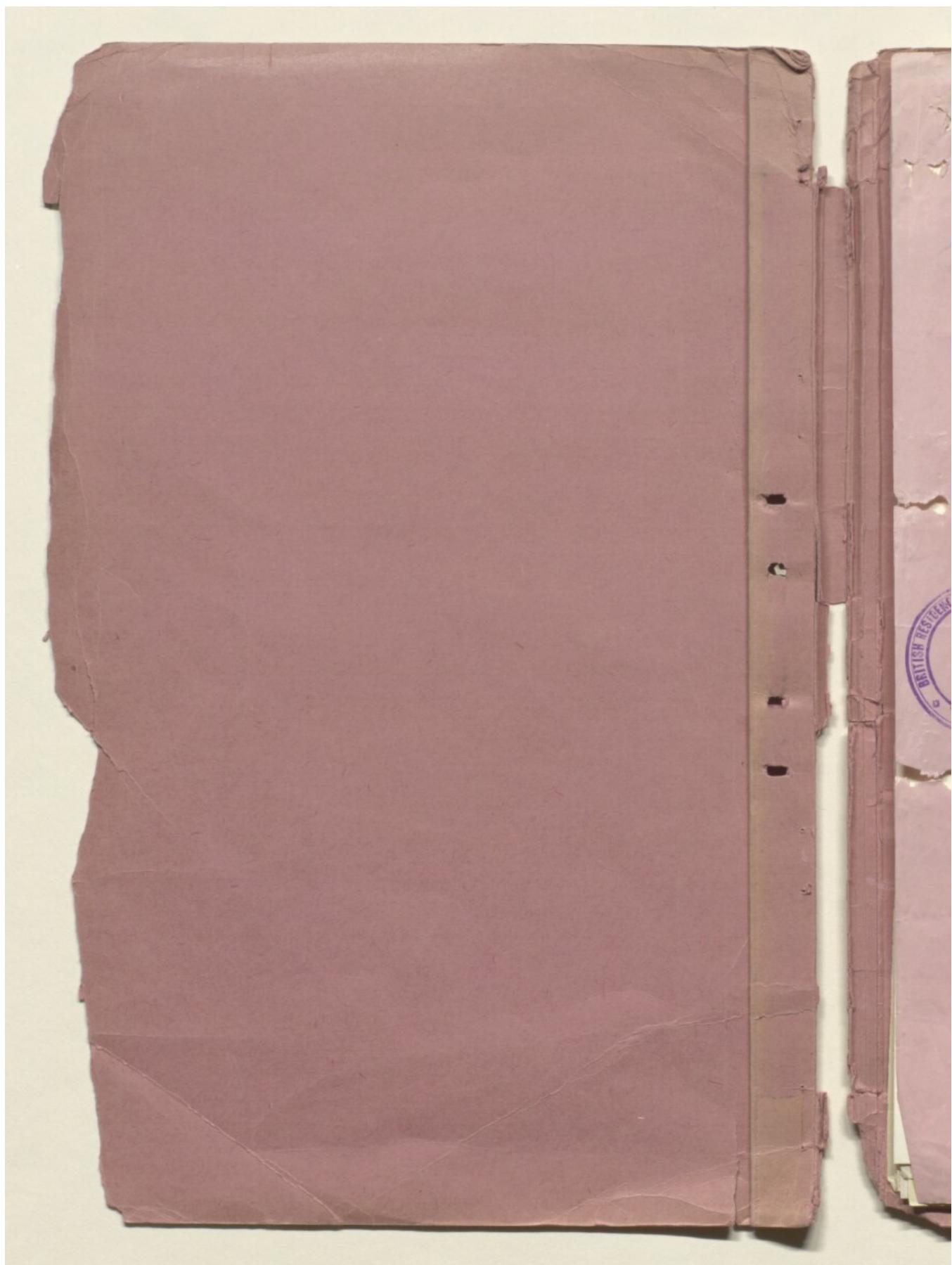


"ملف ٤٢١ الجنسيّة الكويتيّة والوضع الدولي للكويت" [أمامي] (٨٢/١)

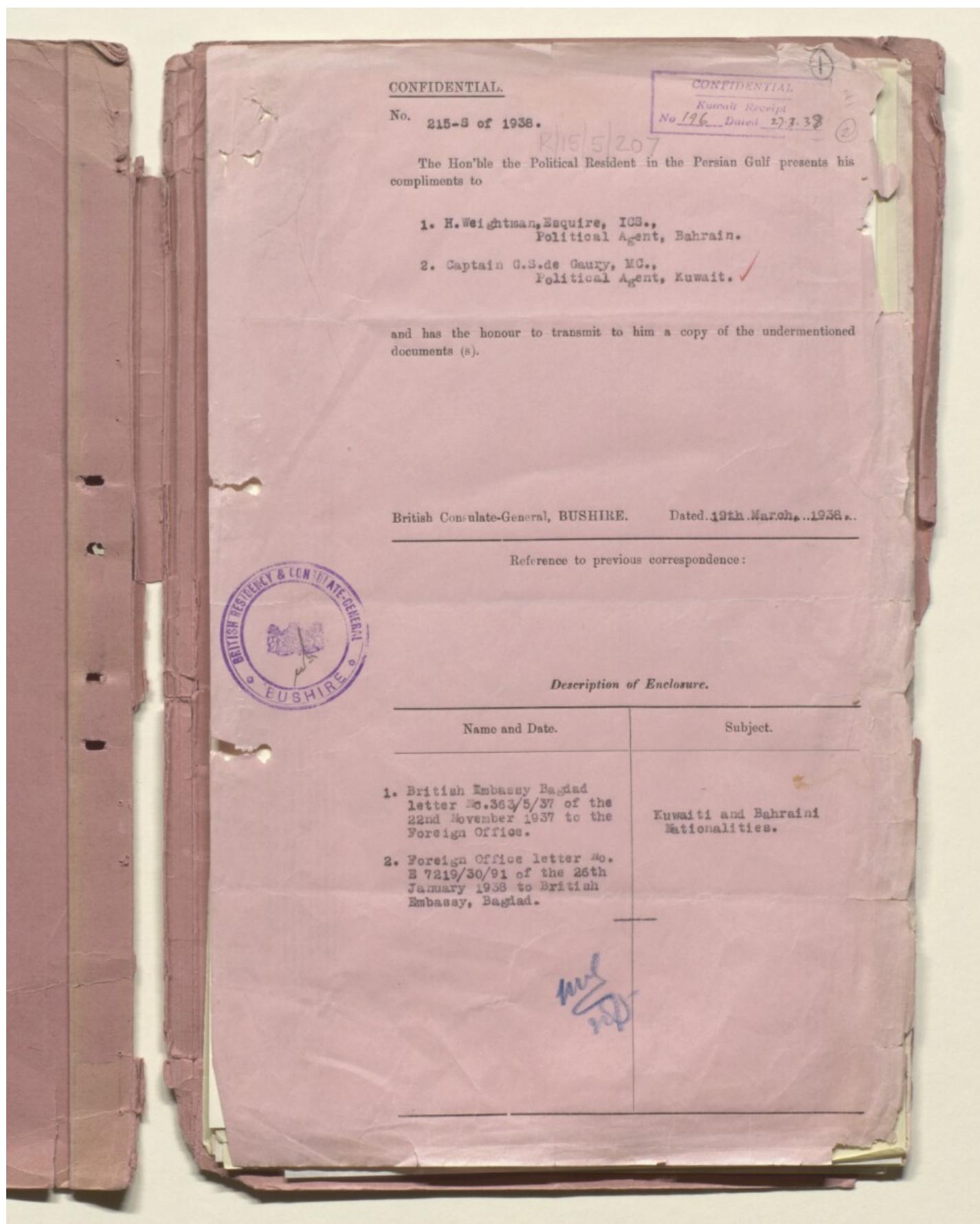




## "ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [أمامي-داخلي] (٨٢/٢)

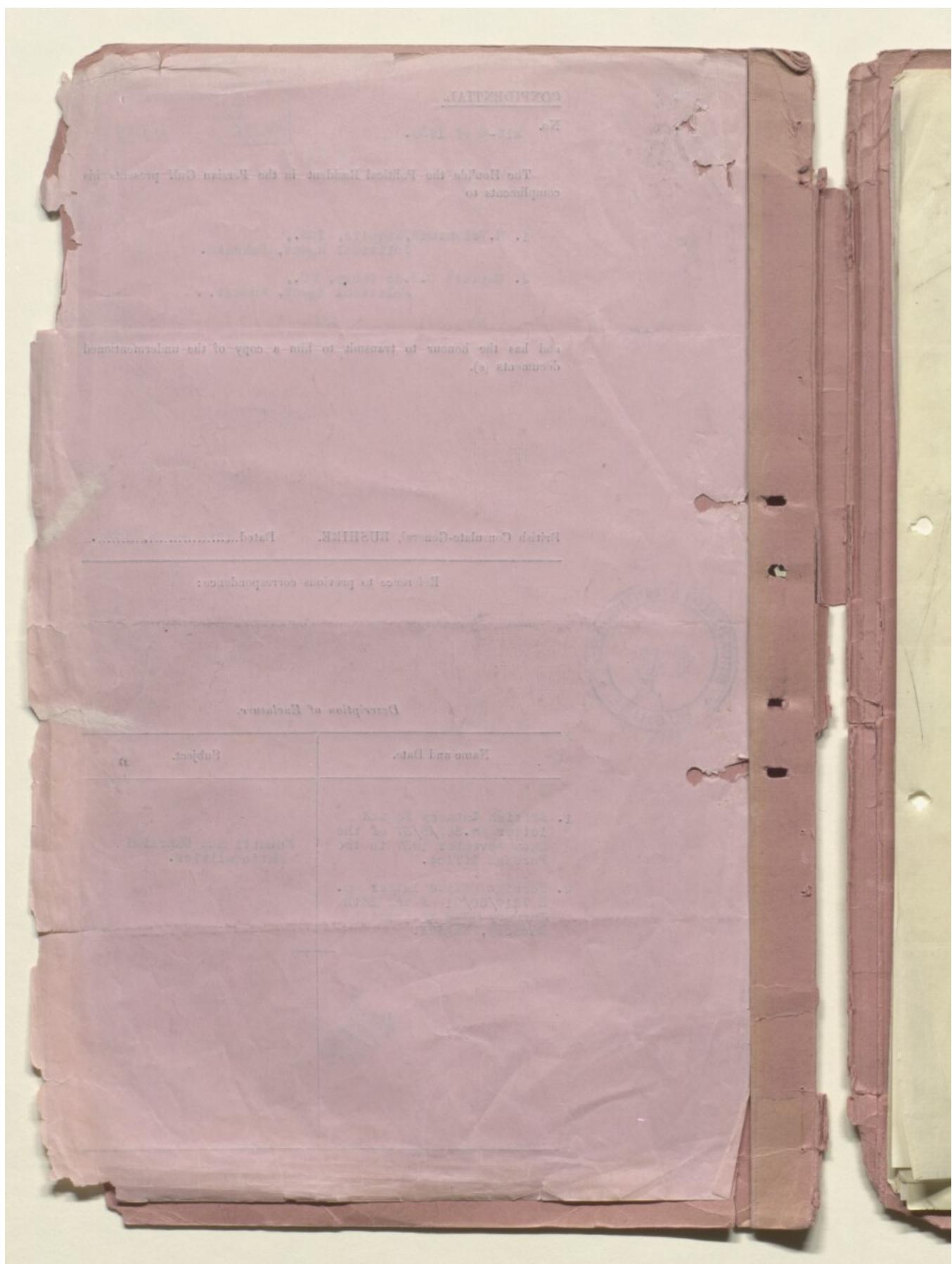


"ملف ٤٢١ الجنسية الكويتية والوضع الدولي للكويت" [٤٢] (٨٢/٣)





## "ملف ٤١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٤٢] (٨٢/٤)



Copy.

( E 7219/30/91).

BRITISH EMBASSY,

No. (363/5/37).

BAGDAD.

22nd November, 1938.

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My dear George,

In our letter of the 14th April (363/2/37) to Eastern Department, we warned you that the Iraqi Government were once more asking us to give an answer to their question as to the date of the institution of Bahraini and Kuwaiti nationality (originally raised in October, 1933).

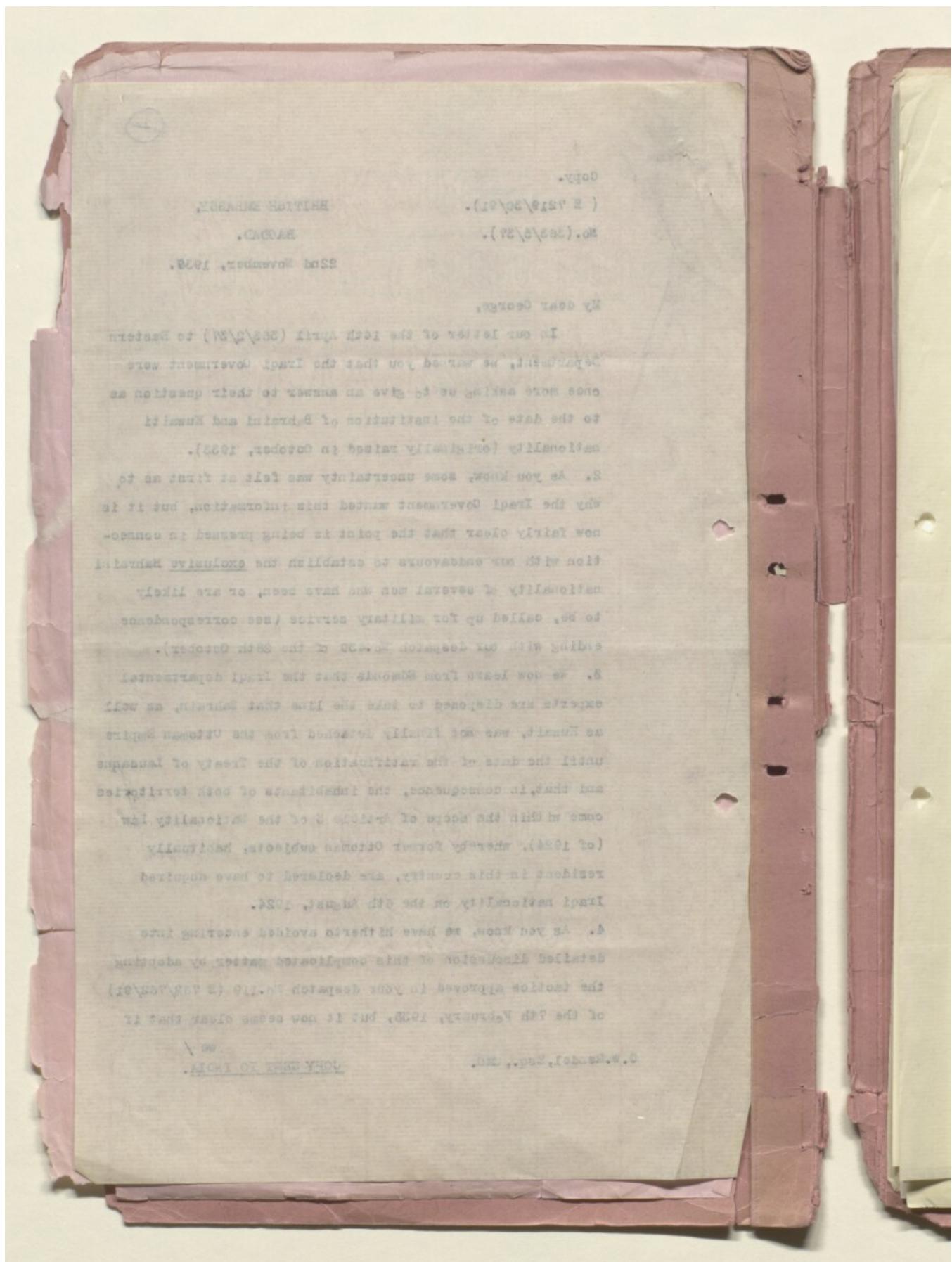
2. As you know, some uncertainty was felt at first as to why the Iraqi Government wanted this information, but it is now fairly clear that the point is being pressed in connection with our endeavours to establish the exclusive Bahraini nationality of several men who have been, or are likely to be, called up for military service (see correspondence ending with our despatch No.439 of the 28th October).

3. We now learn from Edmonds that the Iraqi departmental experts are disposed to take the line that Bahrain, as well as Kuwait, was not finally detached from the Ottoman Empire until the date of the ratification of the Treaty of Lausanne and that, in consequence, the inhabitants of both territories come within the scope of Article 3 of the Nationality Law (of 1924), whereby former Ottoman subjects, habitually resident in this country, are declared to have acquired Iraqi nationality on the 6th August, 1924.

4. As you know, we have hitherto avoided entering into detailed discussion of this complicated matter by adopting the tactics approved in your despatch No.119 (E 762/762/91) of the 7th February, 1935, but it now seems clear that if

G. W. Rendel, Esq., QM.G.

we /  
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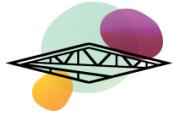
we are to save from conscription Bahrainis of the type of those on whose behalf we have already intervened, we must produce arguments to destroy the thesis on which the Iraqis base their arguments (indicated in paragraph 3 above).

5. In your despatch No.865 (E 7283/1527/91) of the 13th December 1934, you supplied us with arguments which we were to use in the event of its ultimately proving necessary to reply to the enquiry originally addressed to us by the Iraqis in October 1933. We cannot help feeling, however, that the Iraqis are almost certain to know of the reference to Bahrain contained in the Anglo-Turkish Convention of 1913, which, they will contend, provides evidence that Turkish sovereignty then existed over that island and that, as the agreement was never ratified, that sovereignty persisted until the date of the Treaty of Lausanne. We should like to know whether the Legal Advisers can meet this point or can in any other way strengthen the abovementioned arguments which, we fear, may not convince the Iraqis as they stand.

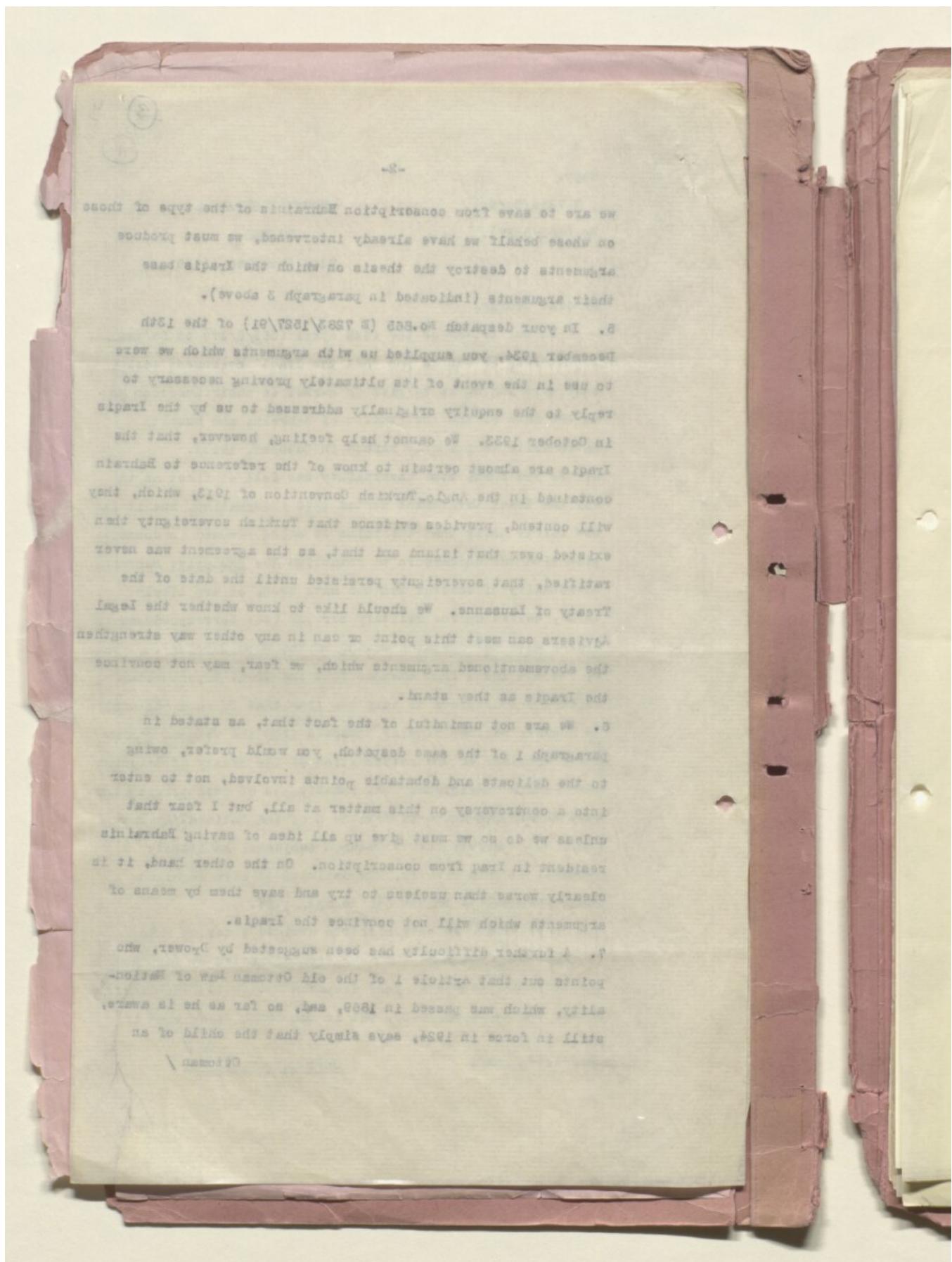
6. We are not unmindful of the fact that, as stated in paragraph 1 of the same despatch, you would prefer, owing to the delicate and debatable points involved, not to enter into a controversy on this matter at all, but I fear that unless we do so we must give up all idea of saving Bahrainis resident in Iraq from conscription. On the other hand, it is clearly worse than useless to try and save them by means of arguments which will not convince the Iraqis.

7. A further difficulty has been suggested by Drower, who points out that Article 1 of the old Ottoman Law of Nationality, which was passed in 1869, and, so far as he is aware, still in force in 1924, says simply that the child of an

Ottoman /



## "ملف ٤١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٤٣] (٨٢/٨)





-3-

Ottoman father is an Ottoman subject. This is subject to no qualification so that, even had Bahrain been an independent State for many years previously, a native of Bahrain might be possessed of Ottoman nationality passed on to him in the direct male line from an ancestor some way back. I wonder whether the Legal Advisers can find any flaw in that argument ?

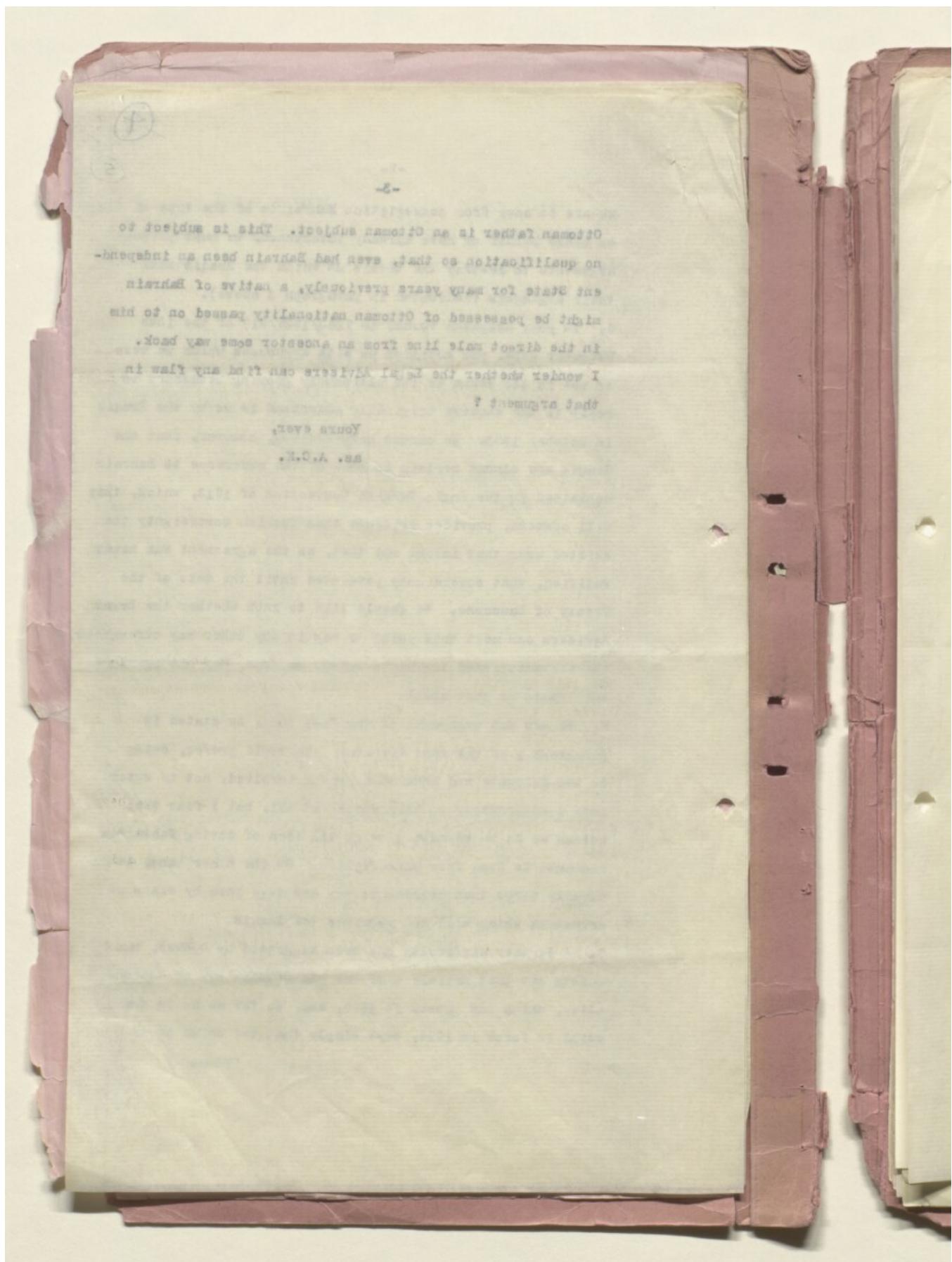
Yours ever,  
as. A.G.K.

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## "ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [ظ٥] (٨٢/١٠)





## "ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٦٦] (٨٢/١١)

Copy.

(E 7219/30/91).

FOREIGN OFFICE, S.W.1.

26th January 1938.

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Dear Morgan,

In paragraphs 5 and 7 of his letter 363/5/37 of the 22nd November to Rendel in regard to the question of Bahraini nationality the Ambassador raised two points on which we sought the views of the Legal Advisers. I am sorry there has been some delay in sending a reply.

2. With regard to the first point viz. that the Iraqi Government might contend that the Turkish reference to Bahrain contained in the 1913 Anglo-Turkish convention provides evidence that Turkish sovereignty then existed over the island, and that, as the agreement was never ratified, the said sovereignty persisted until the date of the Treaty of Lausanne, our views are as set out in paragraph 3 of Foreign Office despatch No.865 of the 13th December 1934. The argument that the 1913 convention was never ratified may to some extent be answered by pointing out that that convention is referred to in no uncertain terms in Article 3 of the 1914 Anglo-Turkish convention which was ratified. But the substance of our contention is that the 1913 convention was, or would have been, in this respect no more than a formal acquiescence by the Ottoman Empire in an already existing position juridical and practical.

3. With regard to the difficulty suggested by Drower, this argument, which we admit is ingenious, only seems to be valid on the supposition that Bahrain was an Ottoman possession at the time the 1869 Ottoman Nationality Law came into force.

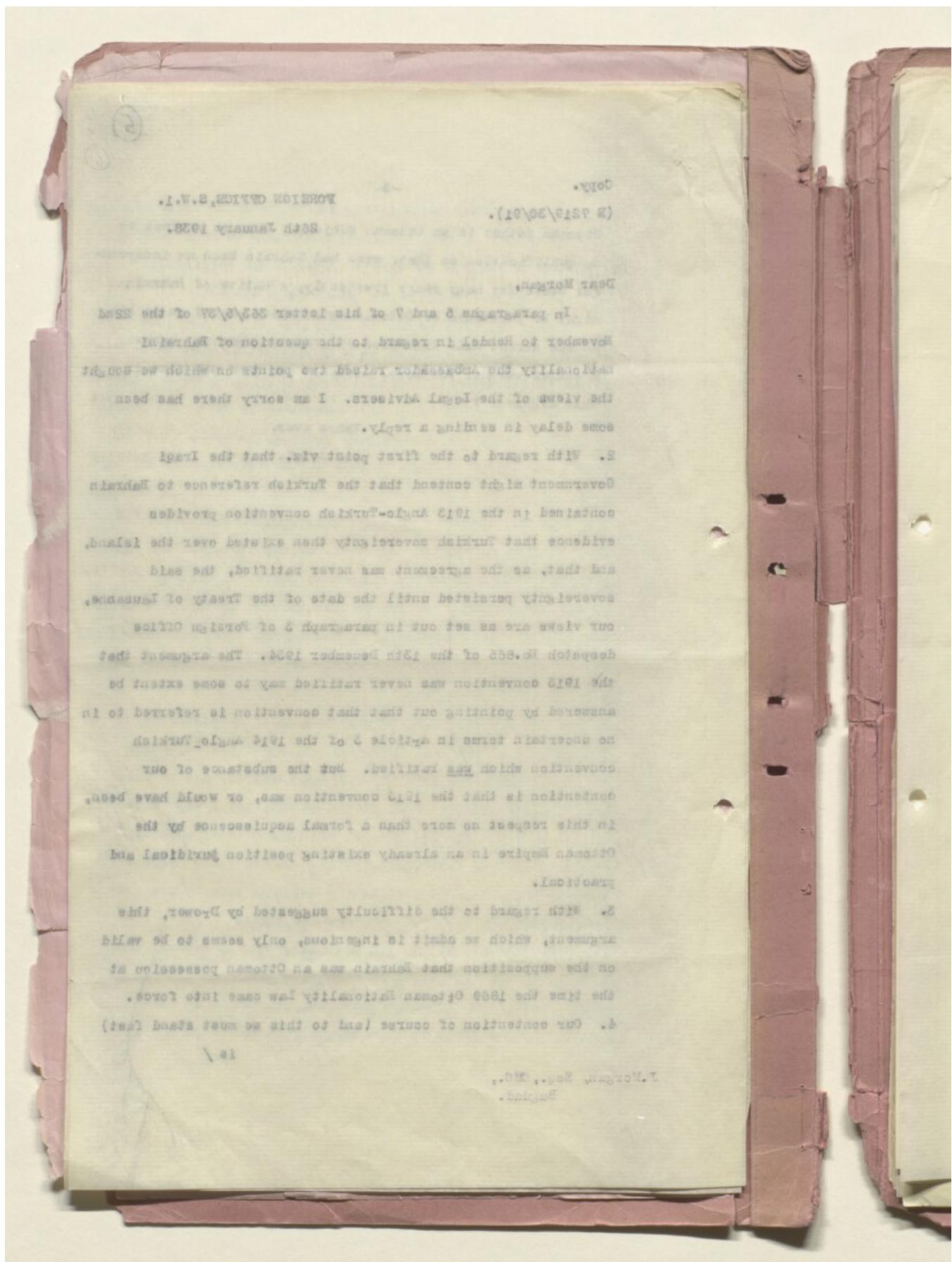
4. Our contention of course (and to this we must stand fast)

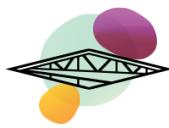
is /

J. Morgan, Esq., CMG.,  
Bagdad.



## "ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٦٦] [٨٢/١٢]





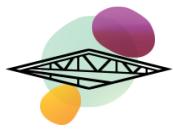
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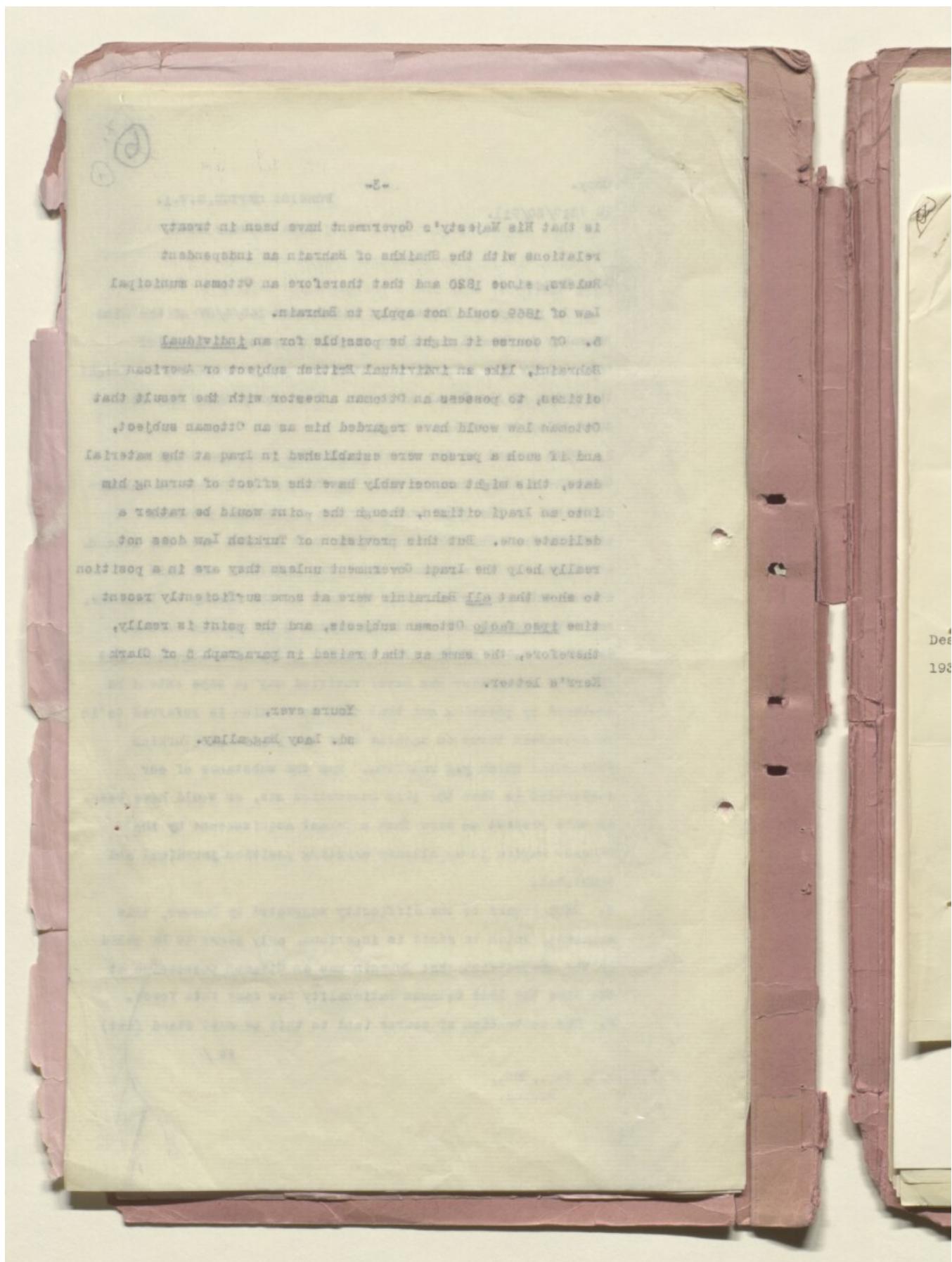
is that His Majesty's Government have been in treaty relations with the Shaikhs of Bahrain as independent Rulers, since 1820 and that therefore an Ottoman municipal Law of 1869 could not apply to Bahrain.

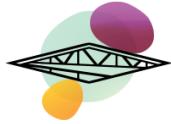
5. Of course it might be possible for an individual Bahraini, like an individual British subject or American citizen, to possess an Ottoman ancestor with the result that Ottoman law would have regarded him as an Ottoman subject, and if such a person were established in Iraq at the material date, this might conceivably have the effect of turning him into an Iraqi citizen, though the point would be rather a delicate one. But this provision of Turkish Law does not really help the Iraqi Government unless they are in a position to show that all Bahrainis were at some sufficiently recent time ipso facto Ottoman subjects, and the point is really, therefore, the same as that raised in paragraph 5 of Clark Kerr's letter.

Yours ever,  
sd. Lacy Baggallay.

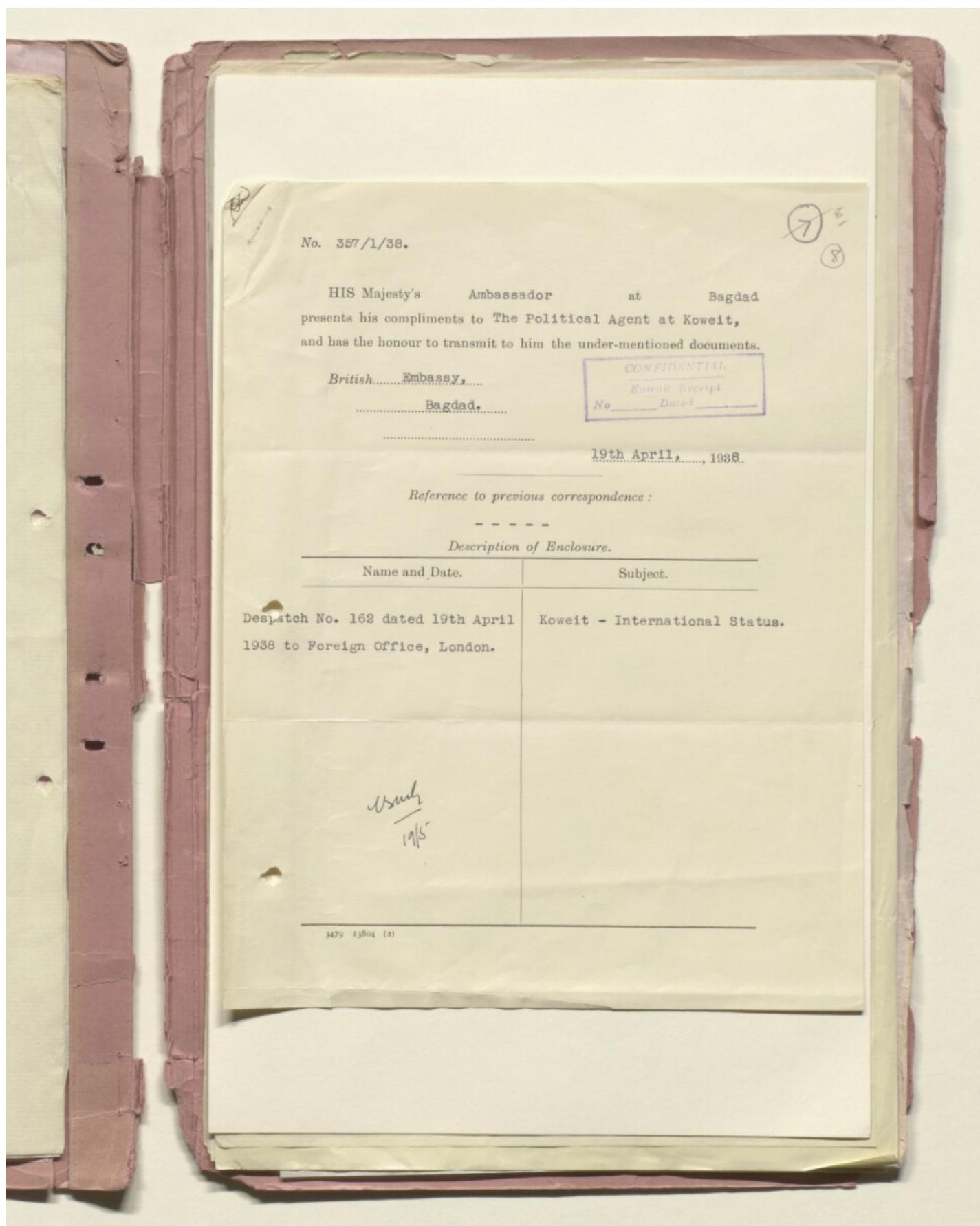


## "ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [ظ٧] (٨٢/١٤)



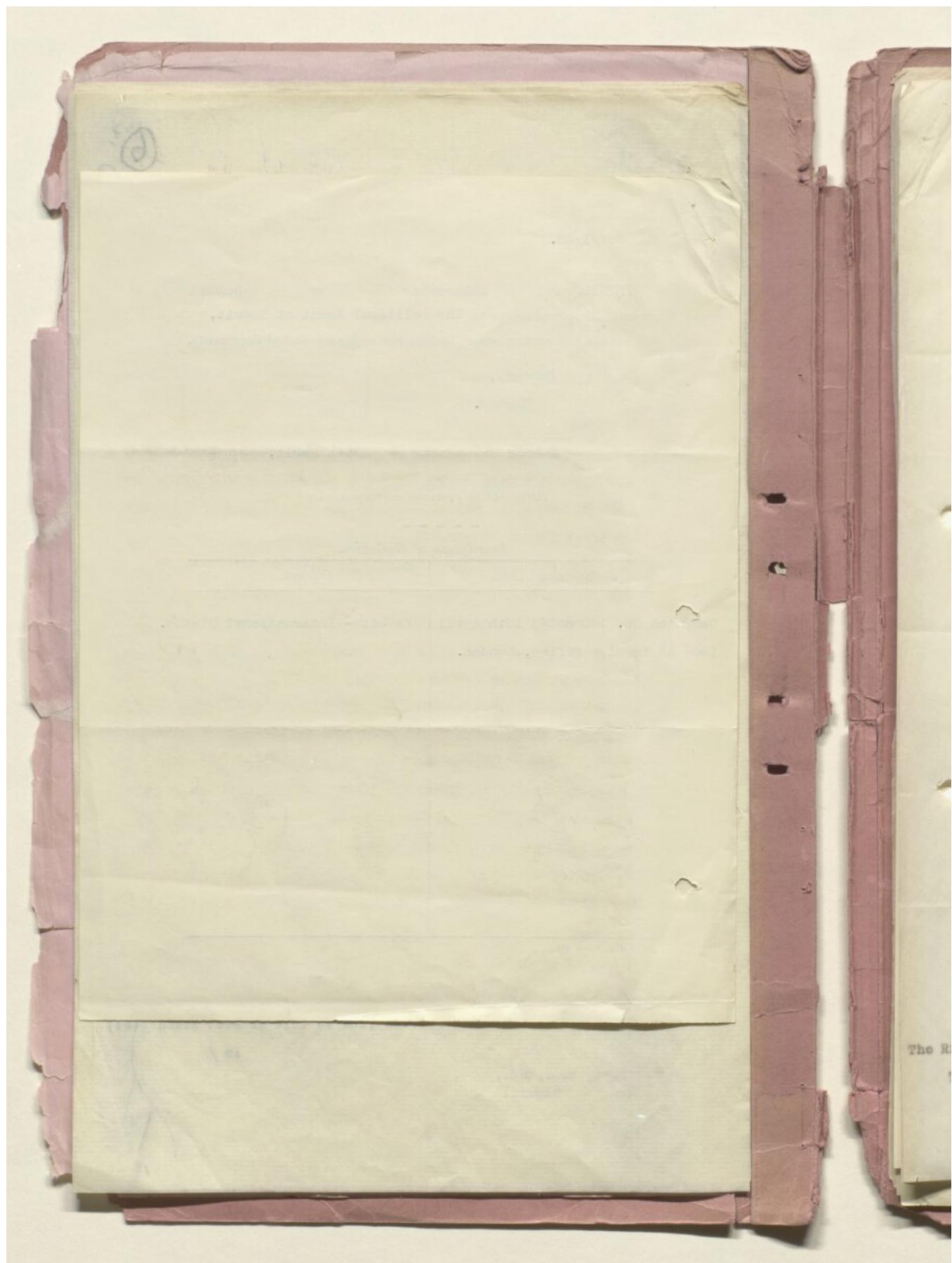


"ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٨٠] (٨٢/١٥)





"ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [ظ٨] (٨٢/١٦)





"ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٩٦] (٨٢/١٧)

No. 162.

(857/1/38)

British Embassy,

Bagdad.

19th April, 1938.

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My Lord,

I have the honour to report that in the course of a visit which I paid to the Minister for Foreign Affairs on the 12th instant, the Minister raised the question of the international status of Kuwait.

S. His Excellency began by saying that the Persian Minister had more than once discussed with him the position of Great Britain in the Persian Gulf, and had implied that His Majesty's Government had no more right to exercise a protectorate over Kuwait than they had to do so over Bahrain. He had maintained that Bahrain belonged to Persia, and he had suggested that Kuwait might very well be claimed by Iraq.

S. Taufiq Suwaid said that he had replied that the Iraqi Government regarded the Persian claims to Bahrain as a matter for settlement between Persia and Great Britain, and he had refused to be drawn into a discussion about Kuwait. Nevertheless the seeds sown by the Persian Minister had evidently begun to germinate in Taufiq Suwaidi's mind. He had with him Volume XI of Aitcheson's Treaties and read out to me Article 6 of the Anglo-Turkish Agreement (unratified) of July 1915, inviting my particular attention to the reference to the Shaikh of Kuwait as an Ottoman governor which occurs therein. What, he said, did this mean? Surely it indicated that Kuwait was not really an independent state and was it not arguable

The Right Honourable

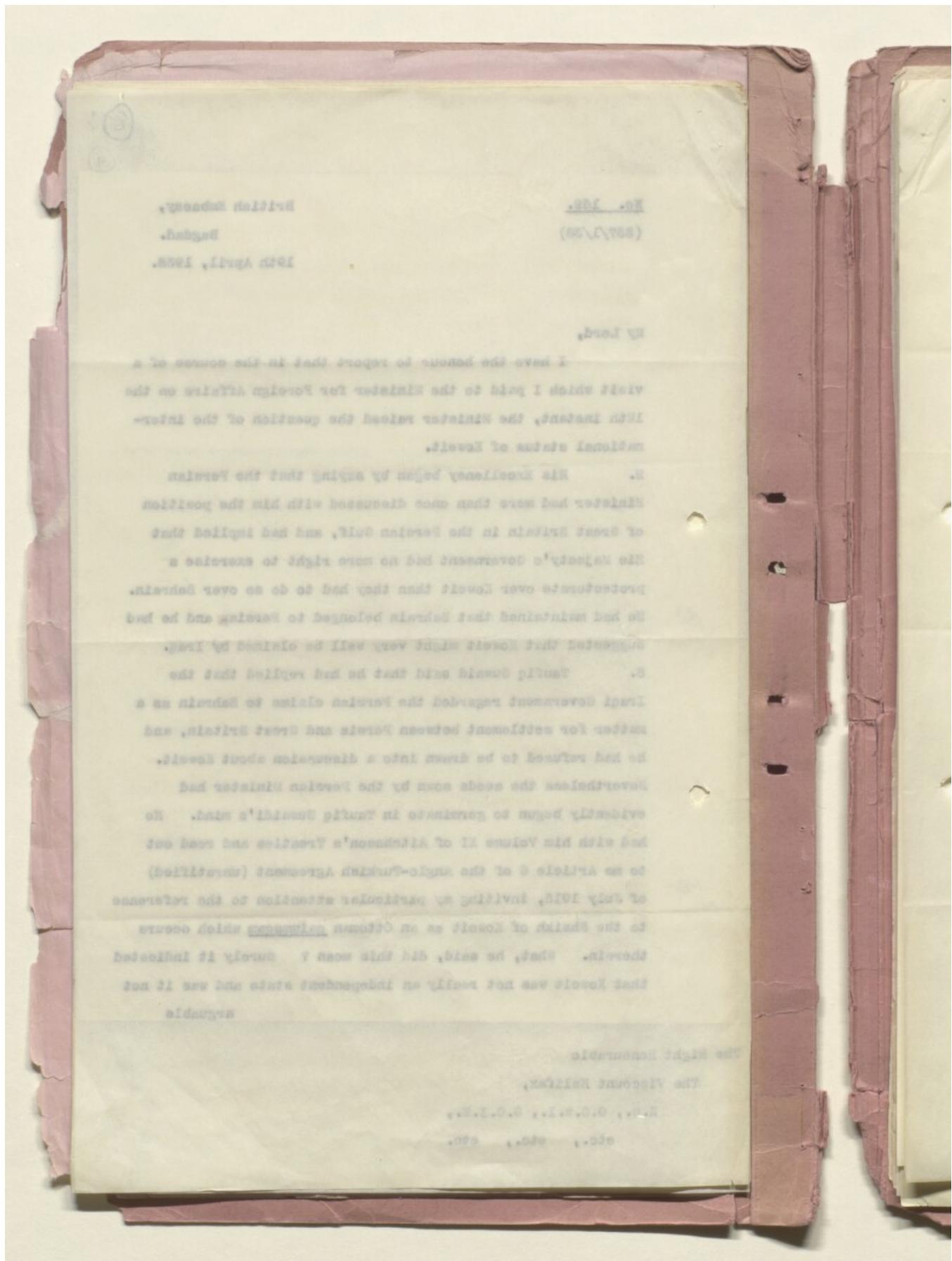
The Viscount Halifax,

K.C., G.C.S.I., G.C.I.E.,

etc., etc., etc.



## "ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [ظ٩] (٨٢/١٨)





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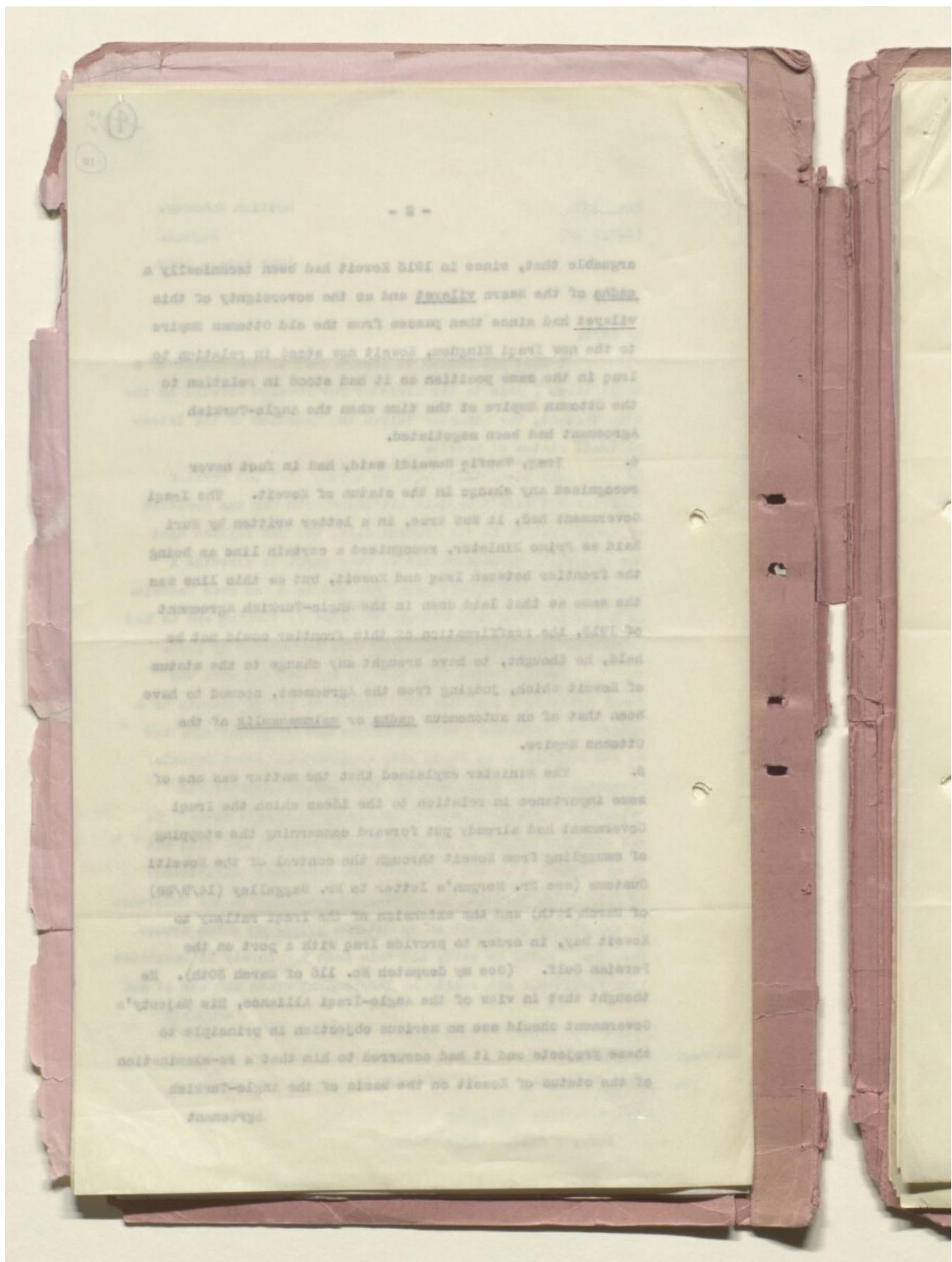
- 2 -

arguable that, since in 1913 Koweit had been technically a qadha of the Basra yilavet and as the sovereignty of this yilavet had since then passed from the old Ottoman Empire to the new Iraqi Kingdom, Koweit now stood in relation to Iraq in the same position as it had stood in relation to the Ottoman Empire at the time when the Anglo-Turkish Agreement had been negotiated.

4. Iraq, Taufiq Suwaidi said, had in fact never recognised any change in the status of Koweit. The Iraqi Government had, it was true, in a letter written by Nuri Said as Prime Minister, recognised a certain line as being the frontier between Iraq and Koweit, but as this line was the same as that laid down in the Anglo-Turkish Agreement of 1913, the reaffirmation of this frontier could not be held, he thought, to have brought any change to the status of Koweit which, judging from the Agreement, seemed to have been that of an autonomous qadha or gaimmagamlik of the Ottoman Empire.

5. The Minister explained that the matter was one of some importance in relation to the ideas which the Iraqi Government had already put forward concerning the stopping of smuggling from Koweit through the control of the Koweiti Customs (see Mr. Morgan's letter to Mr. Baggallay (14/9/38) of March 15th) and the extension of the Iraqi railway to Koweit Bay, in order to provide Iraq with a port on the Persian Gulf. (See my despatch No. 116 of March 30th). He thought that in view of the Anglo-Iraqi Alliance, His Majesty's Government should see no serious objection in principle to these projects and it had occurred to him that a re-examination of the status of Koweit on the basis of the Anglo-Turkish

Agreement



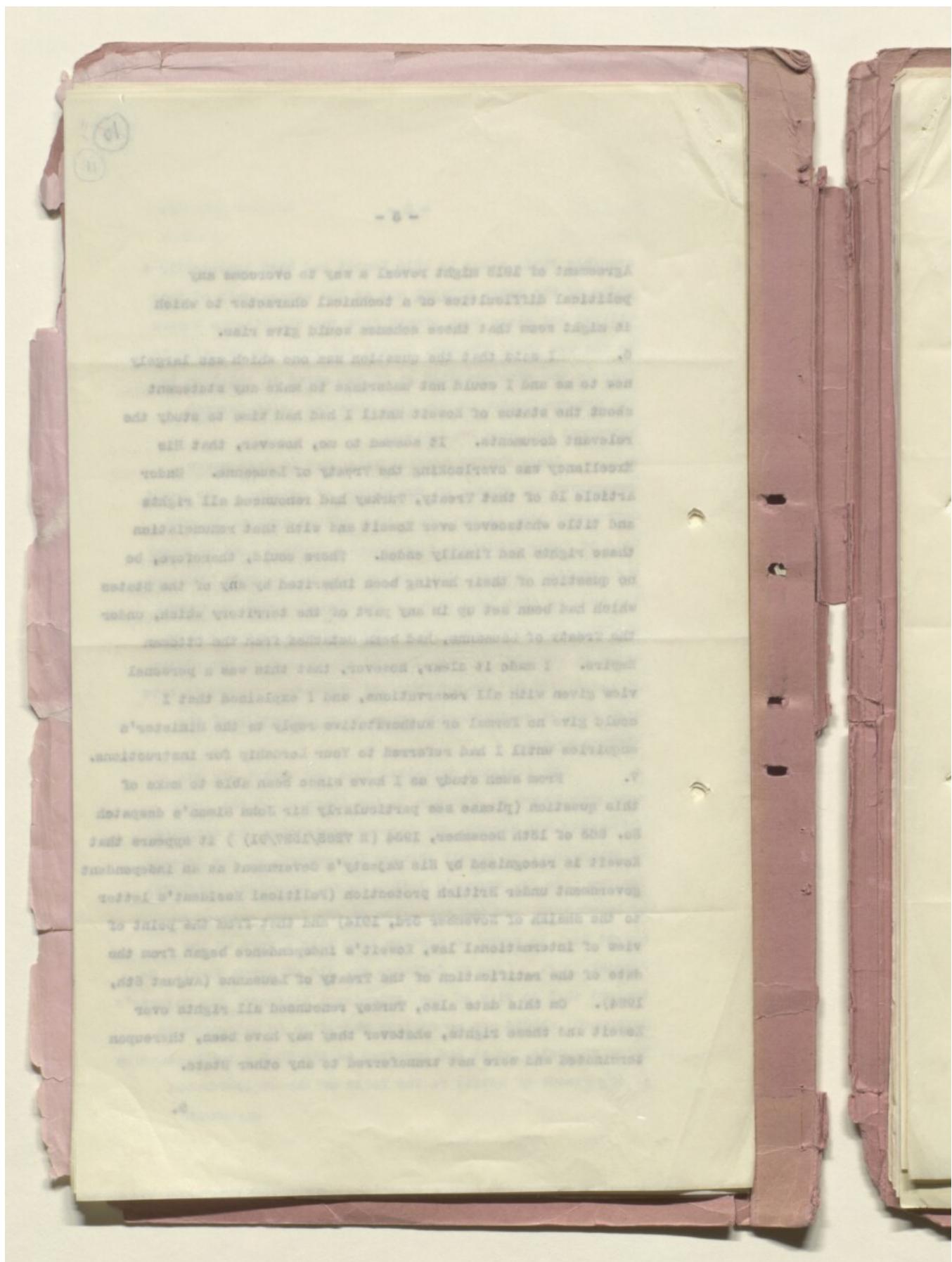
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Agreement of 1918 might reveal a way to overcome any political difficulties of a technical character to which it might seem that these schemes would give rise.

6. I said that the question was one which was largely new to me and I could not undertake to make any statement about the status of Kuwait until I had had time to study the relevant documents. It seemed to me, however, that His Excellency was overlooking the Treaty of Lausanne. Under Article 16 of that Treaty, Turkey had renounced all rights and title whatsoever over Kuwait and with that renunciation these rights had finally ended. There could, therefore, be no question of their having been inherited by any of the States which had been set up in any part of the territory which, under the Treaty of Lausanne, had been detached from the Ottoman Empire. I made it clear, however, that this was a personal view given with all reservations, and I explained that I could give no formal or authoritative reply to the Minister's enquiries until I had referred to Your Lordship for instructions.

7. From such study as I have since been able to make of this question (please see particularly Sir John Simon's despatch No. 865 of 13th December, 1934 (E 7285/1887/91) ) it appears that Kuwait is recognised by His Majesty's Government as an independent government under British protection (Political Resident's letter to the Shaikh of November 3rd, 1914) and that from the point of view of international law, Kuwait's independence began from the date of the ratification of the Treaty of Lausanne (August 6th, 1924). On this date also, Turkey renounced all rights over Kuwait and these rights, whatever they may have been, thereupon terminated and were not transferred to any other State.

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8. I should be glad if you would inform me whether I may give oral explanations to the Minister for Foreign Affairs on the above lines, and I should welcome any additional arguments that it may be possible to put forward, with which to refute the suggestion that Iraq has acquired certain rights over the territory of Kuwait. In particular it would, I feel, be an advantage to show that the Iraqi Government had in some way recognised both the independence of Kuwait and the special relations between His Majesty's Government and the Ruler of Kuwait. Failing that, evidence of the recognition of Kuwait's independence by other powers would be of value.

9. I am sending a copy of this despatch to the Political Resident in the Persian Gulf and the Political Agent at Kuwait.

I have the honour to be with the highest respect,

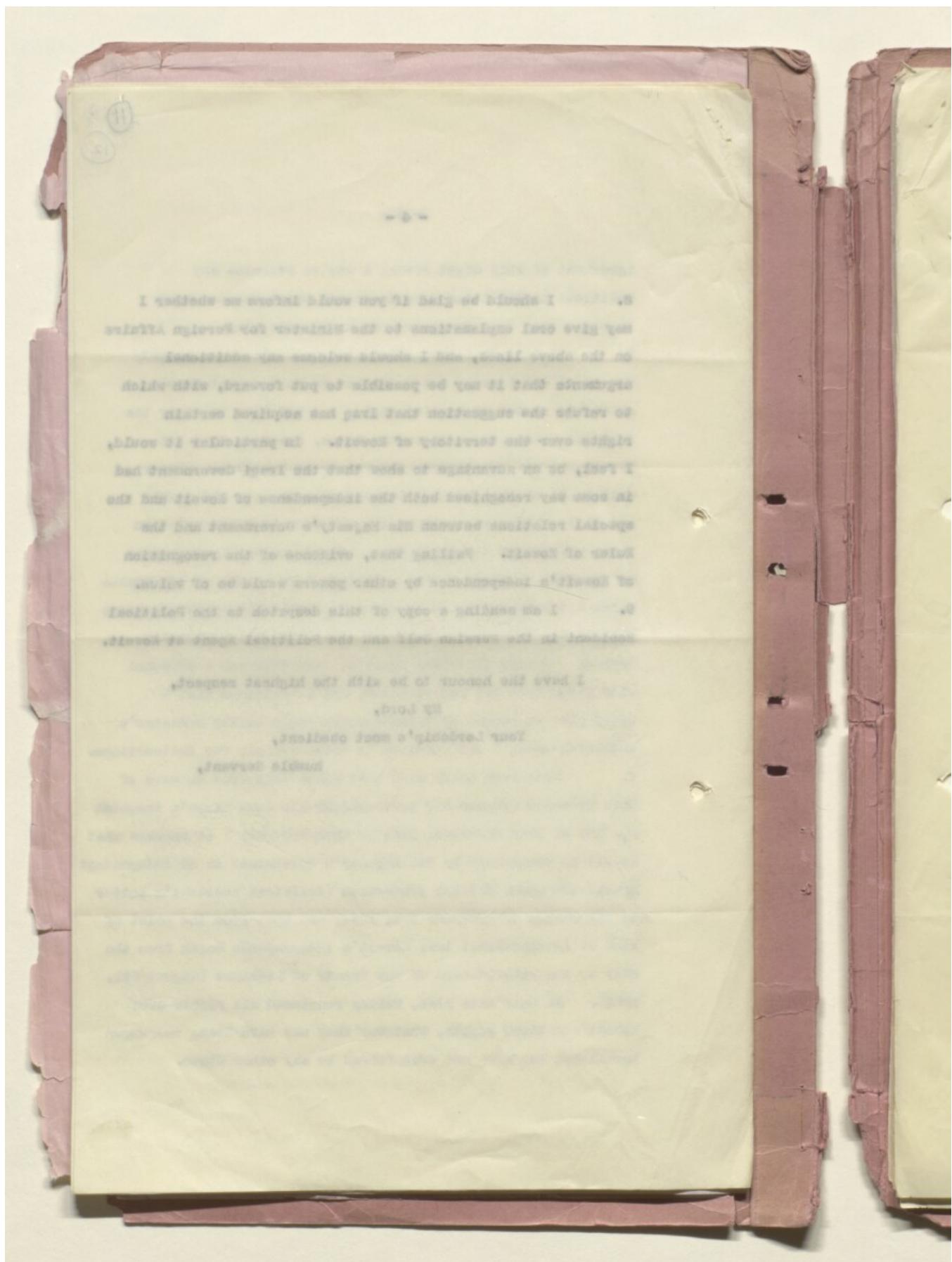
My Lord,

Your Lordship's most obedient,

humble Servant,

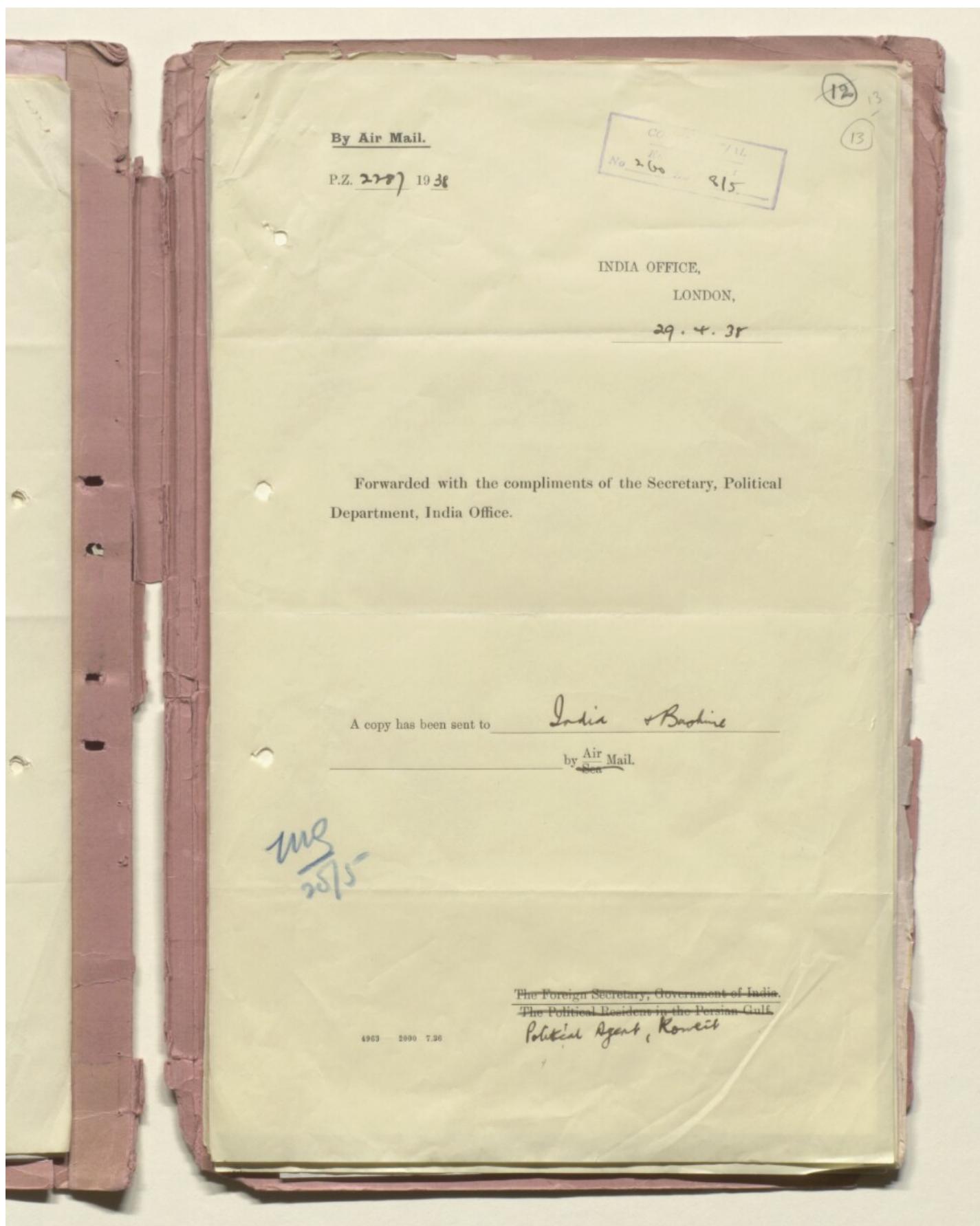


## "ملف ٤٢١ الجنسيّة الكويتيّة والوضع الدولي للكويت" [٤٢١ ظ]



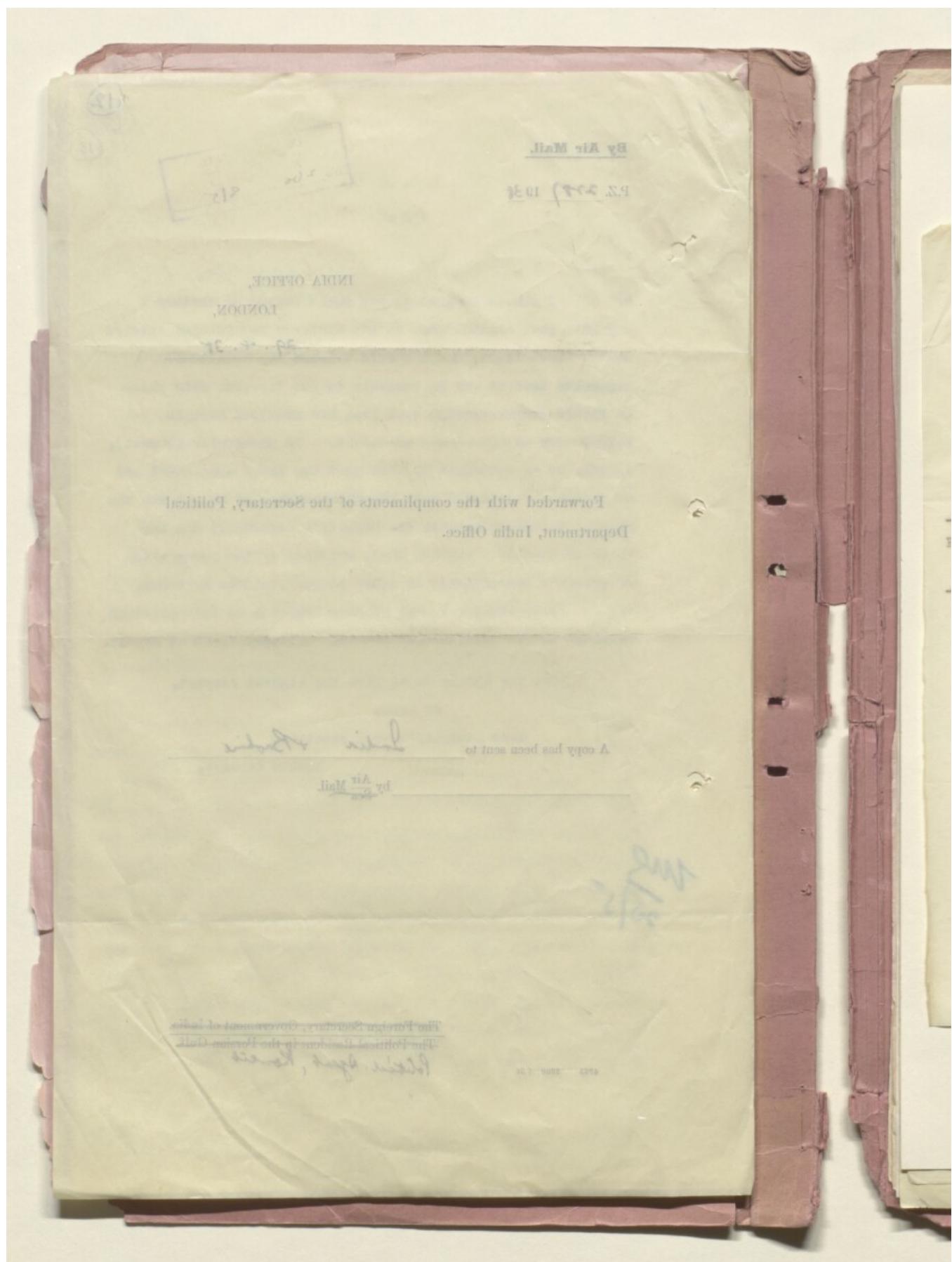


"ملف ٢١٤ الجنسية الكويتية والوضع الدولي للكويت" [١٣] و [٨٢/٢٥]



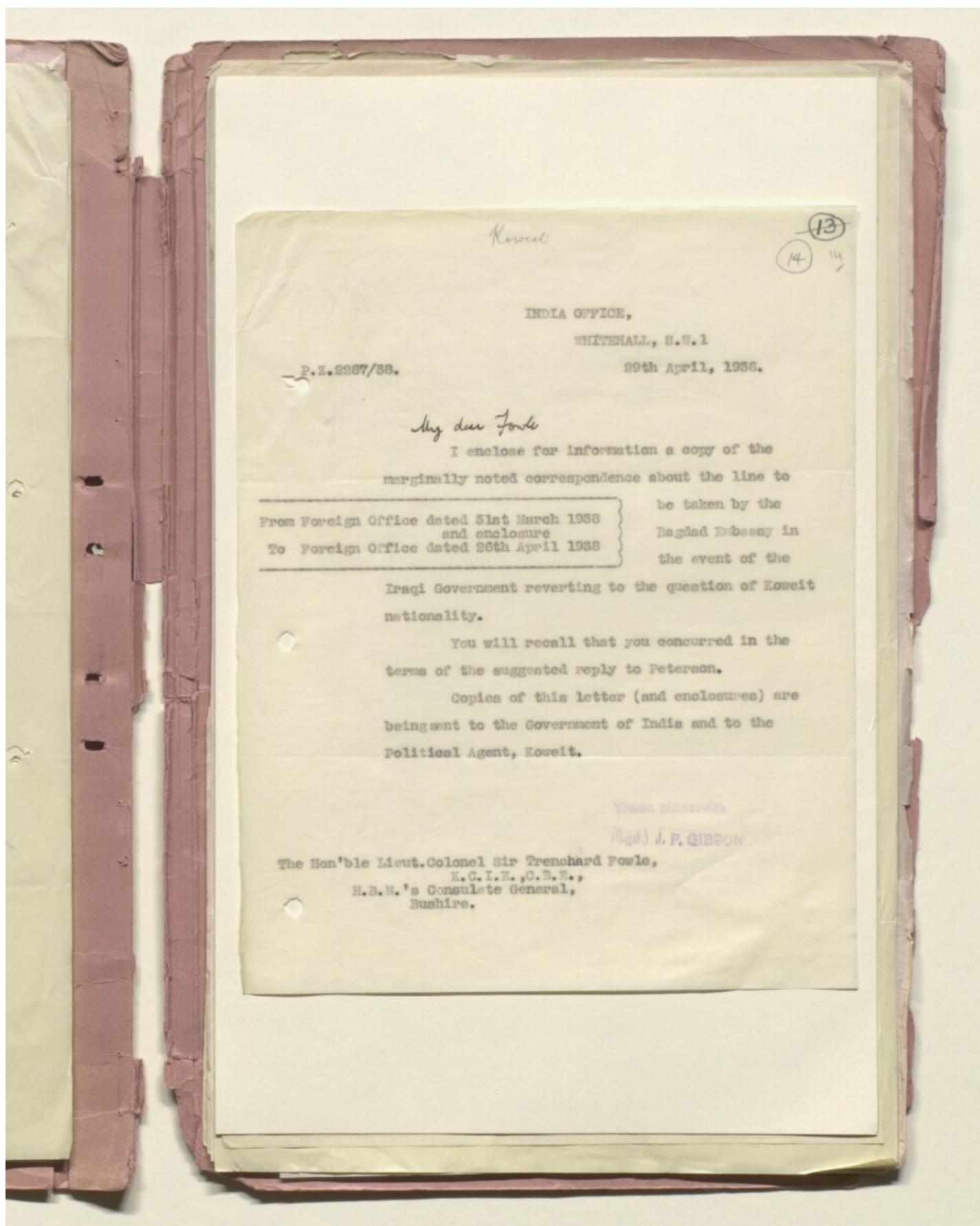


## "ملف ٤٢١ الجنسية الكويتية والوضع الدولي للكويت" [٣٦١ ظ] (٨٢/٢٦)



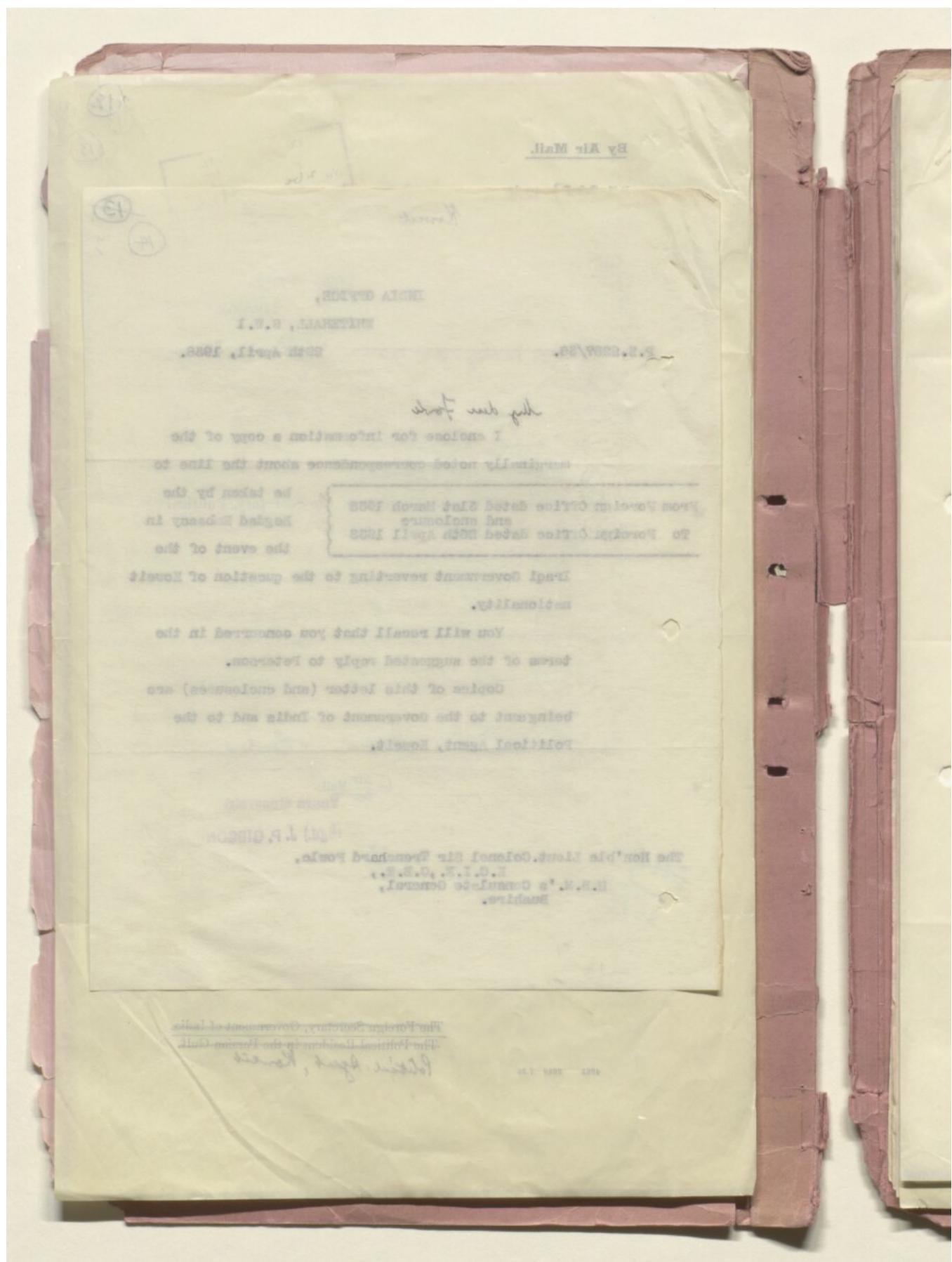


"ملف ٤١٤ الجنسية الكويتية والوضع الدولي للكويت" [٤١٥] (٨٢/٢٧)





## "ملف ٤٢١ الجنسية الكويتية والوضع الدولي للكويت" [٤١ ظ] (٨٢/٢٨)



P.Z. 2287/1938.

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FOREIGN OFFICE, S.W.1

(E 1450/13/91)

31st March, 1938.

My dear Gibson,

With reference to correspondence resting with Foreign Office letter No. E 1383/13/91 of the 18th March on the subject of enquiries by the Iraqi Government about Bahreini (and Koweiti) nationality, I enclose a copy of a letter from Morgan in Bagdad in regard to the line to be taken in the event of the Iraqi Government reverting to the question of Koweiti nationality.

We have gone into the question again with Beckett and our conclusions are set out in the enclosed draft of a letter to Peterson. We have also drawn attention to a point arising out of the wording used in the Embassy's memorandum to the Iraqi Ministry for Foreign Affairs about Bahreini nationality.

Will you please let me know as soon as convenient whether the India Office concur in this draft.

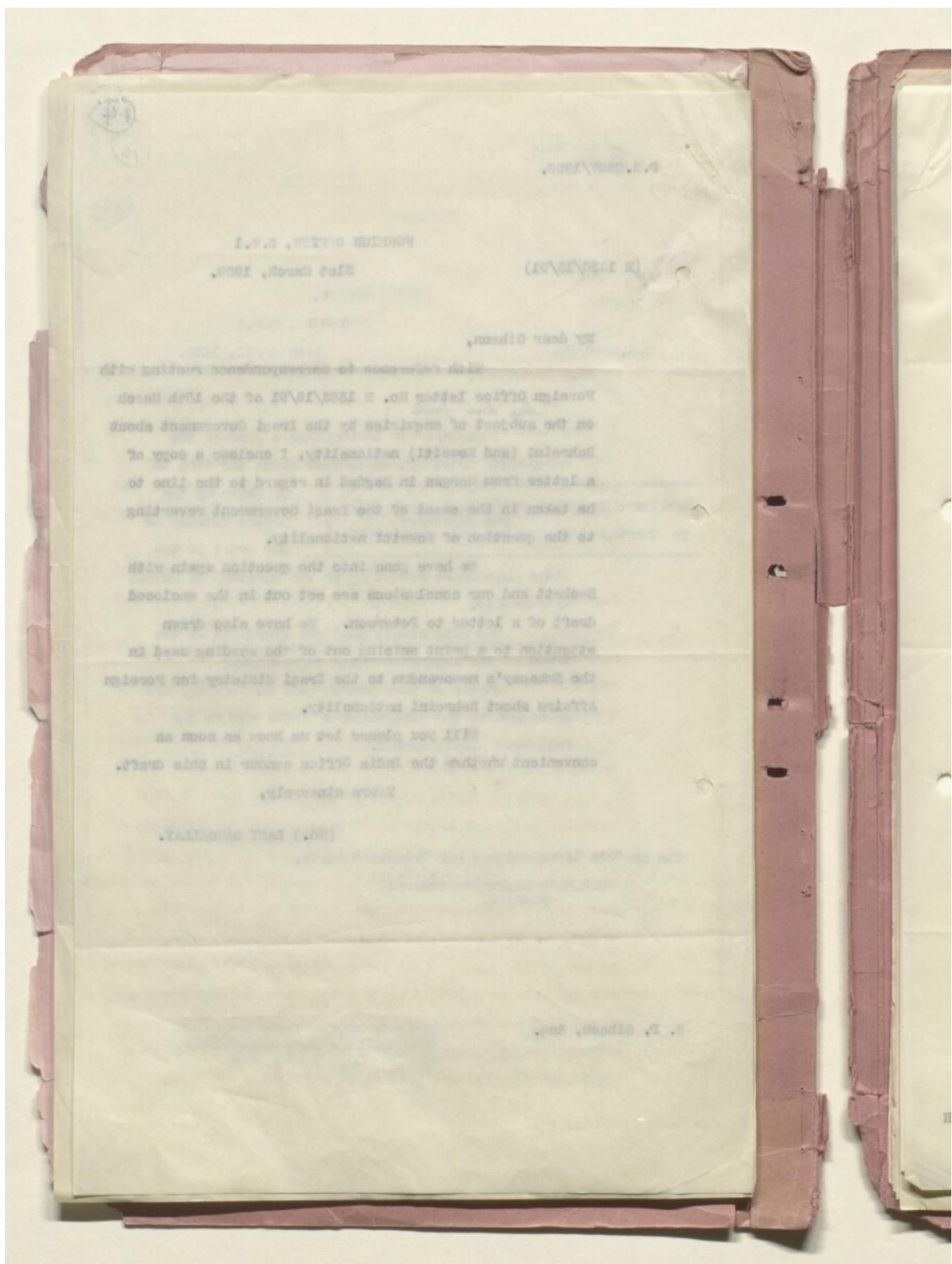
Yours sincerely,

(Sd.) LACY RAGGALLAY.

J. P. Gibson, Esq.



## "ملف ٤٢١ الجنسيّة الكويتيّة والوضع الدولي للكويت" [٥١٥] (٣٠/٨٢)





"ملف ٢١٤ الجنسية الكويتية والوضع الدولي للكويت" [٦١] و [٨٢/٣١]

P.Z. 2287/1938.

Enclosure in Foreign Office Covering  
Letter dated 1st April 1938.

(15)

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Copy

E 1450/15/91  
(210/3/38)

British Embassy,

Bagdad.

28th February, 1938.

My dear Baggallay,

With reference to the question of Bahrainis mentioned in your letter E 7219/30/91 of the 26th January and previous correspondence. You will see from a Printed Letter No. 73 which we are sending this week to the Foreign Office that we have replied to the Ministry of Foreign Affairs about Bahraini nationality.

In view of the reluctance of the Foreign Office (see Foreign Office despatch No. 665 (E 7285/1587/91) of the 13th December, 1934) to take up position publicly about Koweiti nationality, I have simply ignored that part of the Iraqi enquiry, for, so far as I know, we have had no complaints about Koweitis being conscripted in Iraq, and, therefore, no practical end is served (as it is in the case of Bahrainis) by replying to the enquiry.

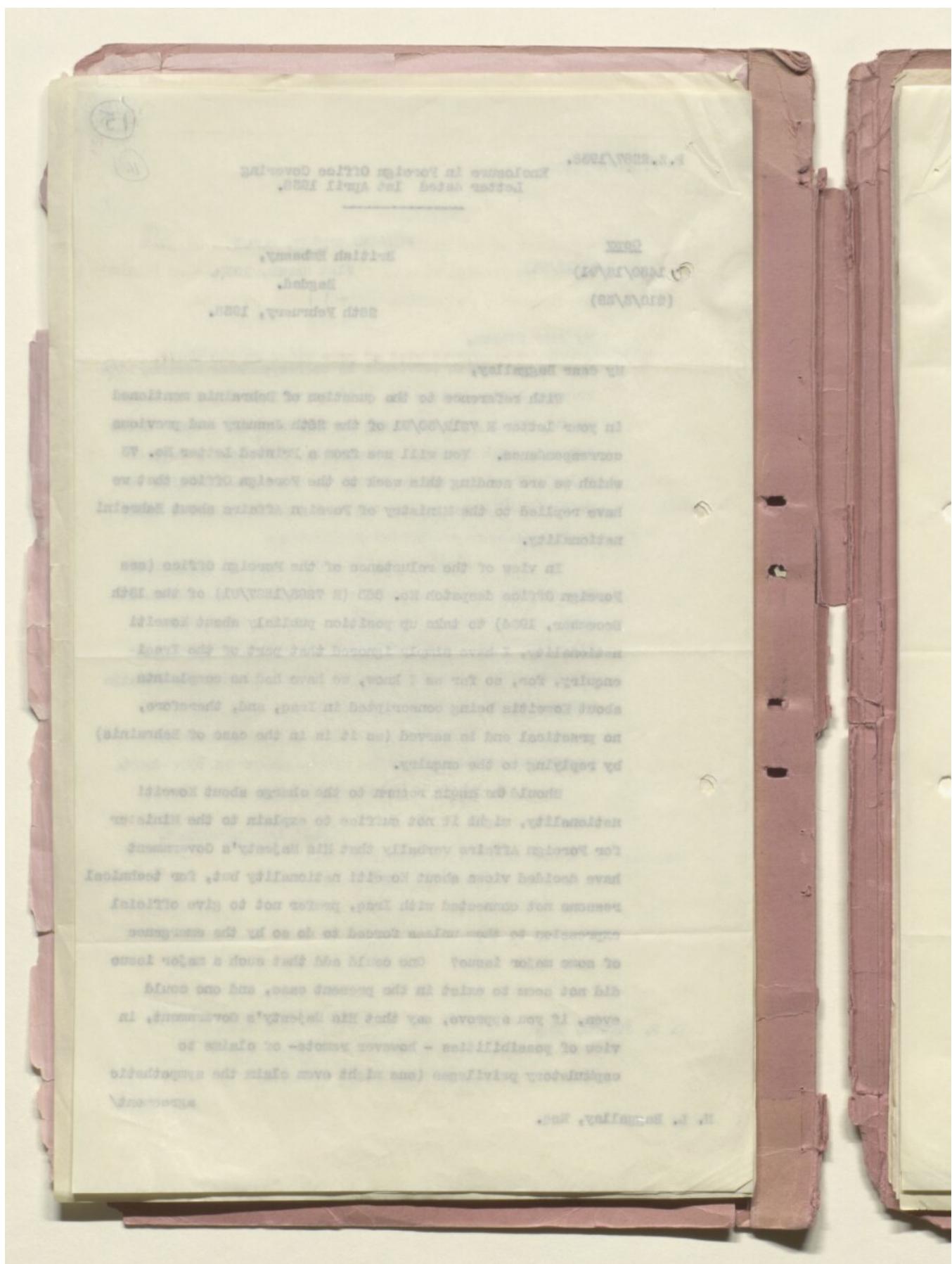
Should the Iraqis return to the charge about Koweiti nationality, might it not suffice to explain to the Minister for Foreign Affairs verbally that His Majesty's Government have decided views about Koweiti nationality but, for technical reasons not connected with Iraq, prefer not to give official expression to them unless forced to do so by the emergence of some major issue? One could add that such a major issue did not seem to exist in the present case, and one could even, if you approve, say that His Majesty's Government, in view of possibilities - however remote - of claims to caputulatory privileges (one might even claim the sympathetic

agreement/

H. L. Baggallay, Esq.



## "ملف ٤٢١ الجنسيّة الكويتيّة والوضع الدولي للكويت" [٦١٦] [٣٢/٨٢]





"ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [١٧] و [٣٣/٨٢]

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agreement of the Minister for Foreign Affairs on this point) by Foreign Powers, did not wish to disclose (unless for some very compelling motive) their position prematurely.

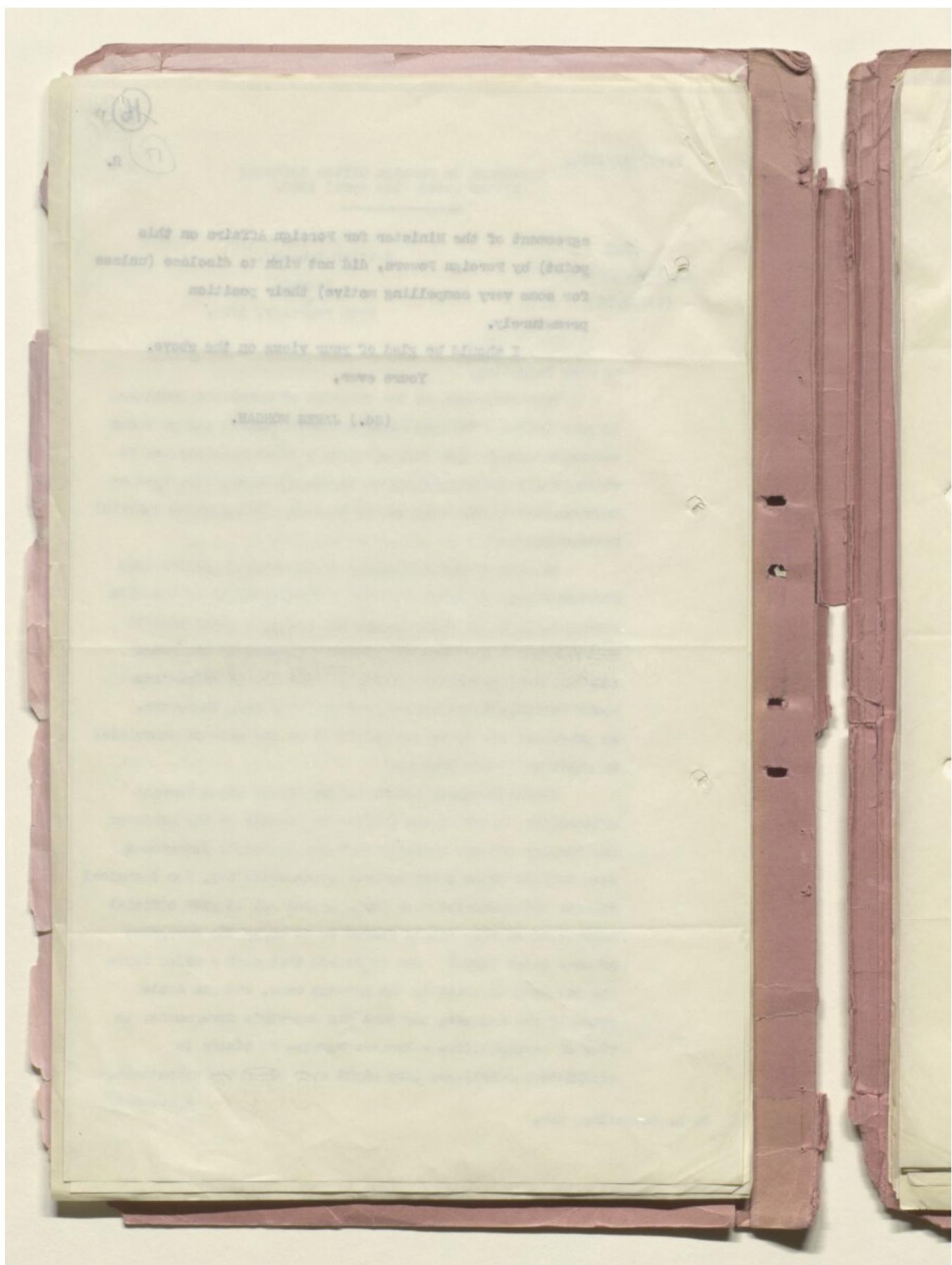
I should be glad of your views on the above.

Yours ever,

(Sd.) JAMES MORGAN.



## "ملف ٤٢١ الجنسيّة الكويتيّة والوضع الدولي للكويت" [٦١٧] (٣٤/٨٢)





"ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [١٨] و [٣٥/٨٢]

(17) ١٦  
(18)

INDIA OFFICE,  
WHITEHALL, S.W.1

P.Z. 2267/38.

26th April, 1938.

My dear Baggallay,

With reference to your letter  
of the 31st March (No. E. 1450/13/91) in regard  
to the line to be taken in the event of the Iraqi  
Government reverting to the question of Kuwait  
nationality, I am desired to say that we concur  
in the terms of the suggested draft letter to  
Peterson.

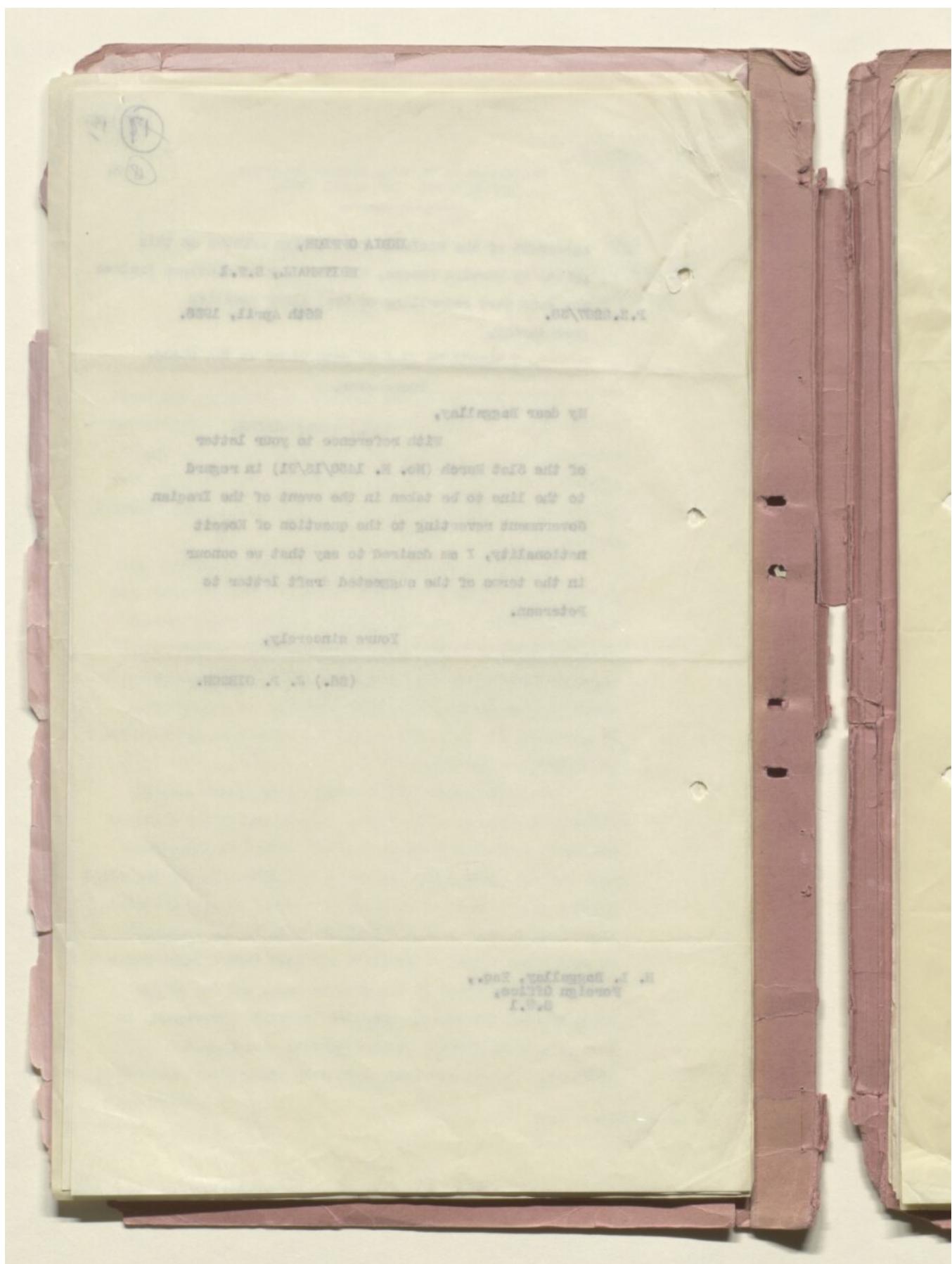
Yours sincerely,

(Sd.) J. P. GIBSON.

H. L. Baggallay, Esq.,  
Foreign Office,  
S.W.1

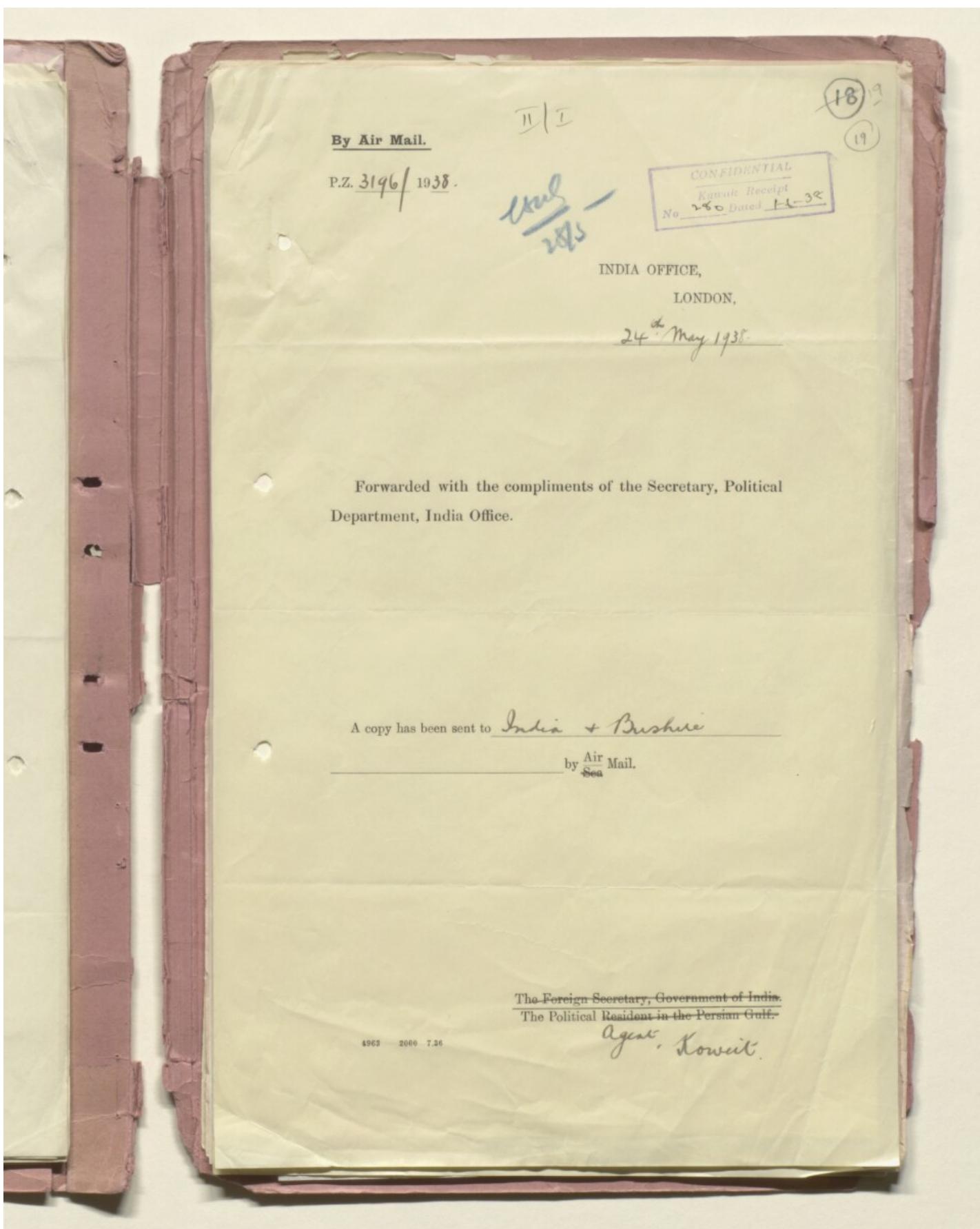


## "ملف ٤١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٦١٨] (٣٦/٨٢)



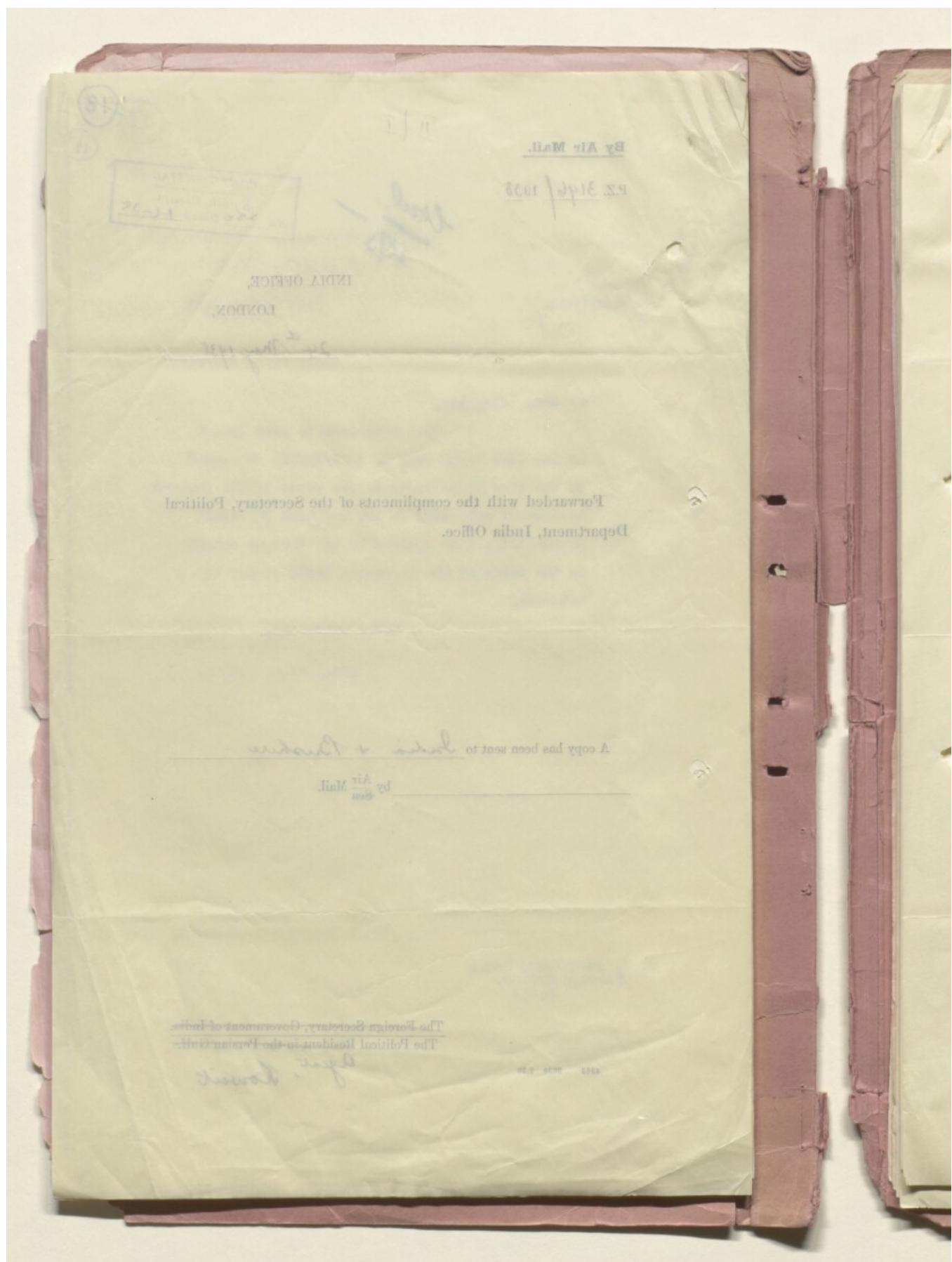


"ملف ٢١٤ الجنسية الكويتية والوضع الدولي للكويت" [١٩] (٨٢/٣٧)





## "ملف ٤٢١ الجنسية الكويتية والوضع الدولي للكويت" [٩٦٣] (٨٢/٣٨)





"ملف ٢١٤ الجنسية الكويتية والوضع الدولي للكويت" [٢٠] و [٣٩] (٨٢)

P.Z.3196/1938.

FOREIGN OFFICE, S.W.1.

(E 1450/13/91)

4th May, 1938.

(19)  
(20)

My dear Peterson,

In his letter 210/3/38 of the 26th February to Lacy Baggallay Morgan suggested a possible line of defence for use in the event of the Iraqi Government returning to the charge about the date of inception of Koweiti nationality.

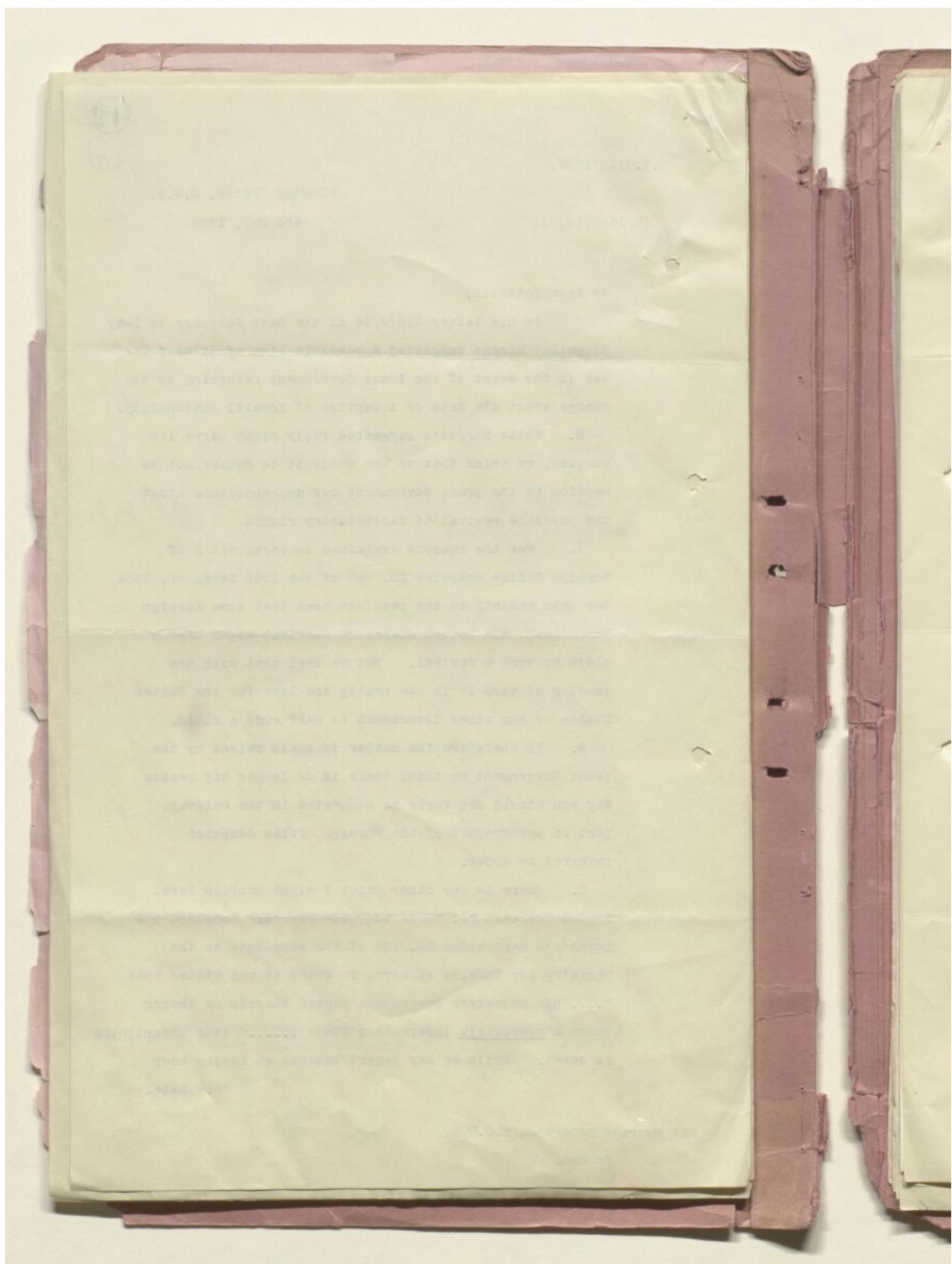
2. While Morgan's suggested reply might serve its purpose, we think that on the whole it is better not to mention to the Iraqi Government our apprehensions about the possible revival of capitulatory rights.

3. For the reasons explained in paragraph 2 of Foreign Office despatch No. 865 of the 13th December, 1934, our main anxiety in the past has been lest some foreign Power (e.g. the United States of America) might make a claim to such a revival. But we feel that with the passing of time it is now really too late for the United States or any other Government to make such a claim.

4. If therefore the matter is again raised by the Iraqi Government we think there is no longer any reason why you should not reply as suggested in the relevant part of paragraph 6 of the Foreign Office despatch referred to above.

5. There is one other point I might mention here. Bagdad despatch No. 73 of the 28th February enclosed the Embassy's memorandum No. 108 of the same date to the Ministry for Foreign Affairs, in which it was stated that ".... His Majesty's Government regard Bahrein as having been a completely independent State ....." (the underlining is ours). While we may regard Bahrein as having been "completely"

Sir Maurice Peterson, K.C.M.G.  
Bagdad.





(20) 21

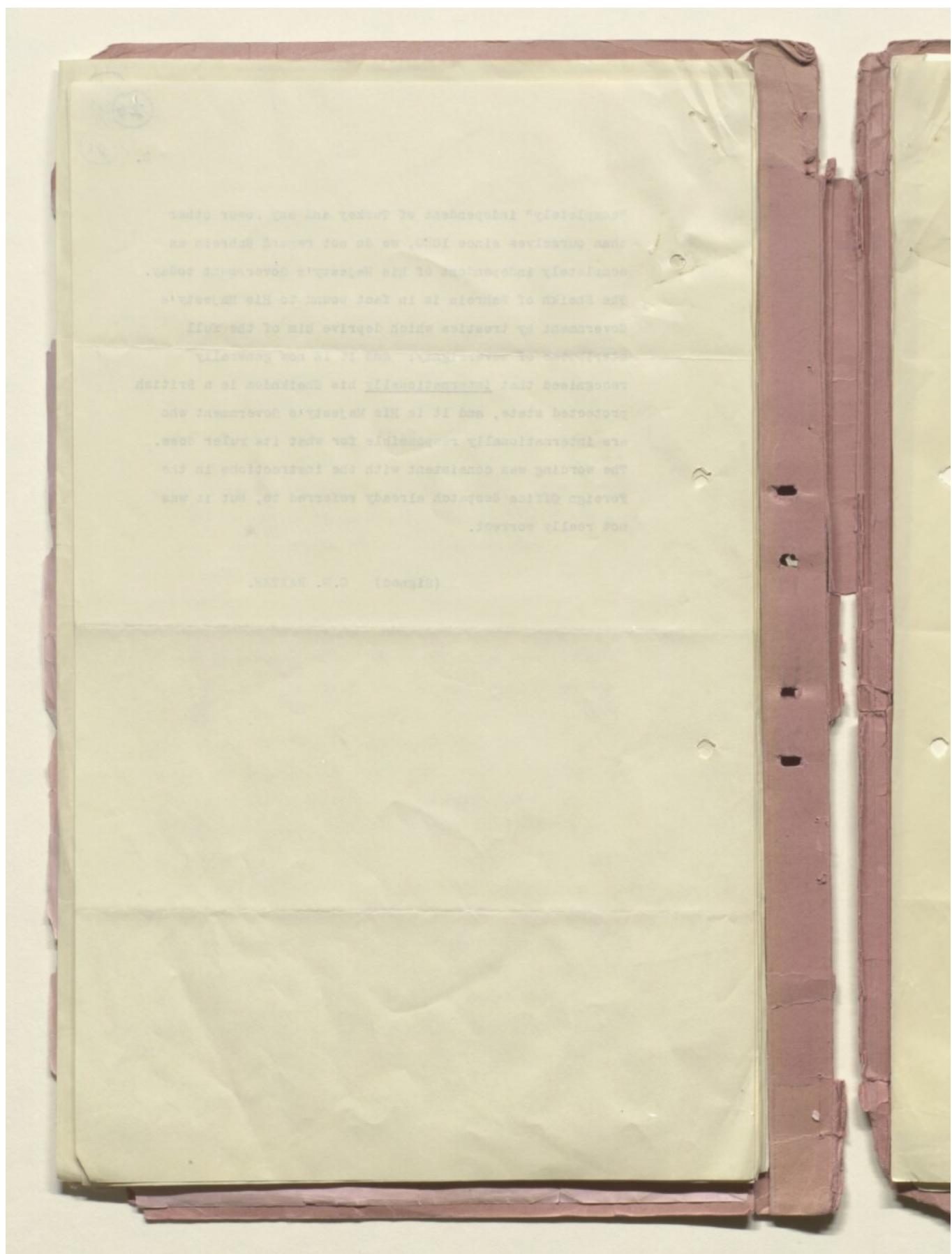
2. (21)

"completely" independent of Turkey and any Power other than ourselves since 1820, we do not regard Bahrein as completely independent of His Majesty's Government today. The Sheikh of Bahrein is in fact bound to His Majesty's Government by treaties which deprive him of the full attributes of sovereignty; and it is now generally recognised that internationally his Sheikdom is a British protected state, and it is His Majesty's Government who are internationally responsible for what its ruler does. The wording was consistent with the instructions in the Foreign Office despatch already referred to, but it was not really correct.

(Signed) C.W. BAXTER.



## "ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٢١ ظ] (٨٢/٤٢)

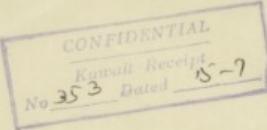




"ملف ٢١٤ الجنسية الكويتية والوضع الدولي للكويت" [٢٢ و ٣] (٨٢٤٣)

By Air Mail.

P.Z. ٤٢٥٢ ١٩٣٤



INDIA OFFICE,

LONDON,

21<sup>st</sup> June, 1938

Forwarded with the compliments of the Secretary, Political Department, India Office.

A copy has been sent to India T. Bushire  
by Air Mail.

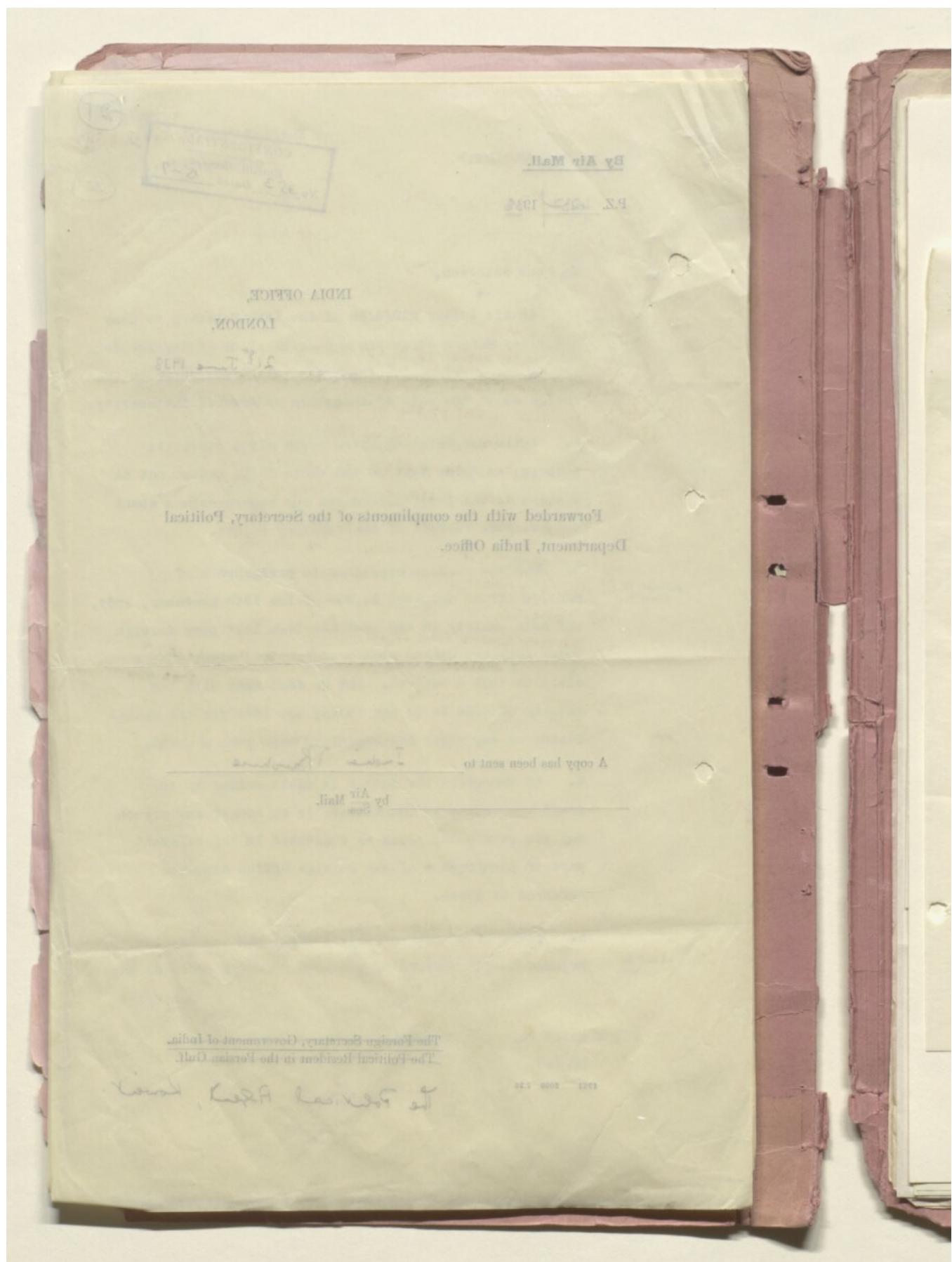
The Foreign Secretary, Government of India.  
The Political Resident in the Persian Gulf.

4963 2000 7.36

The Political Agent, Kuwait.

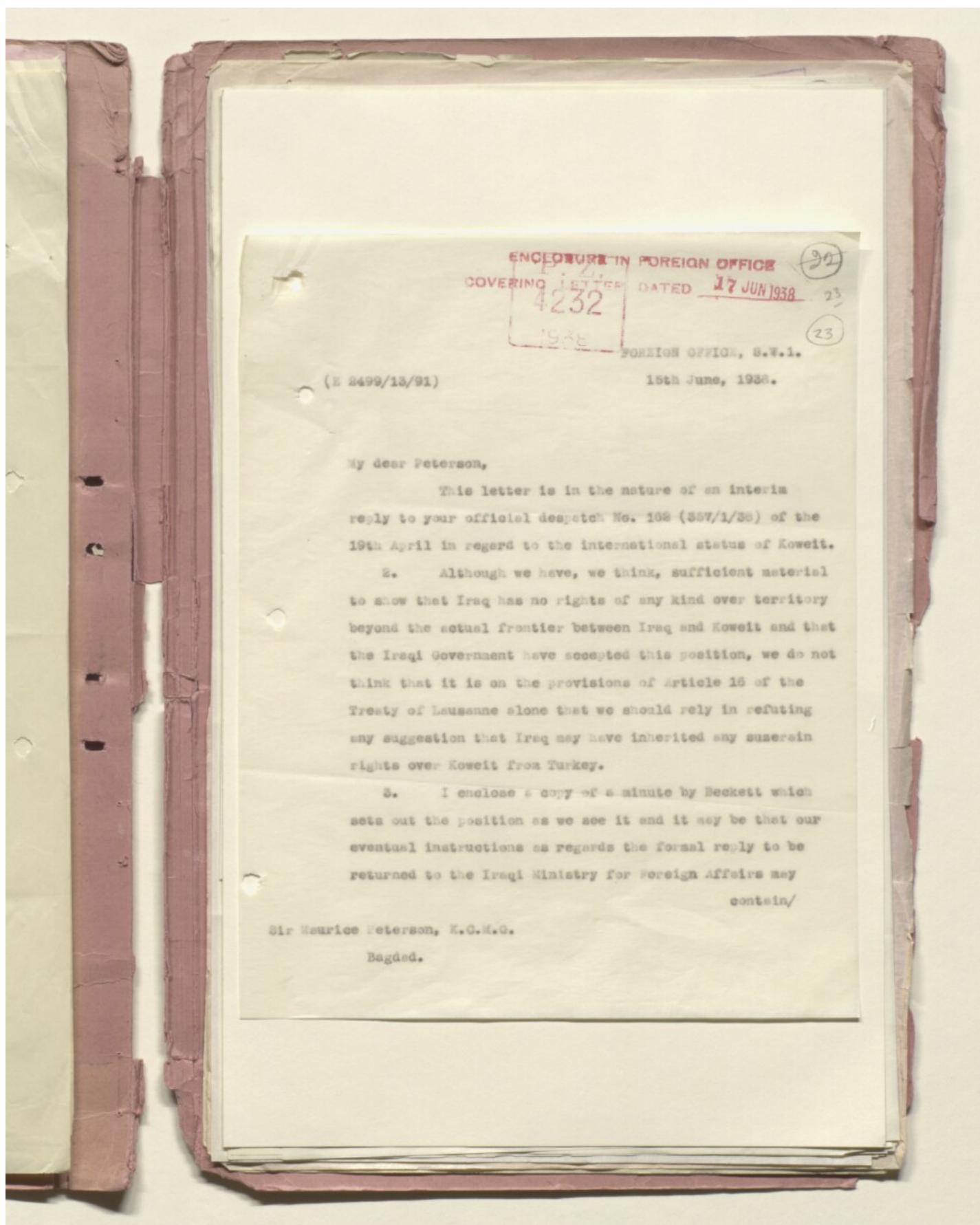


## "ملف ٤٢١ الجنسية الكويتية والوضع الدولي للكويت" [٤٢٦ ظ] (٨٢/٤)



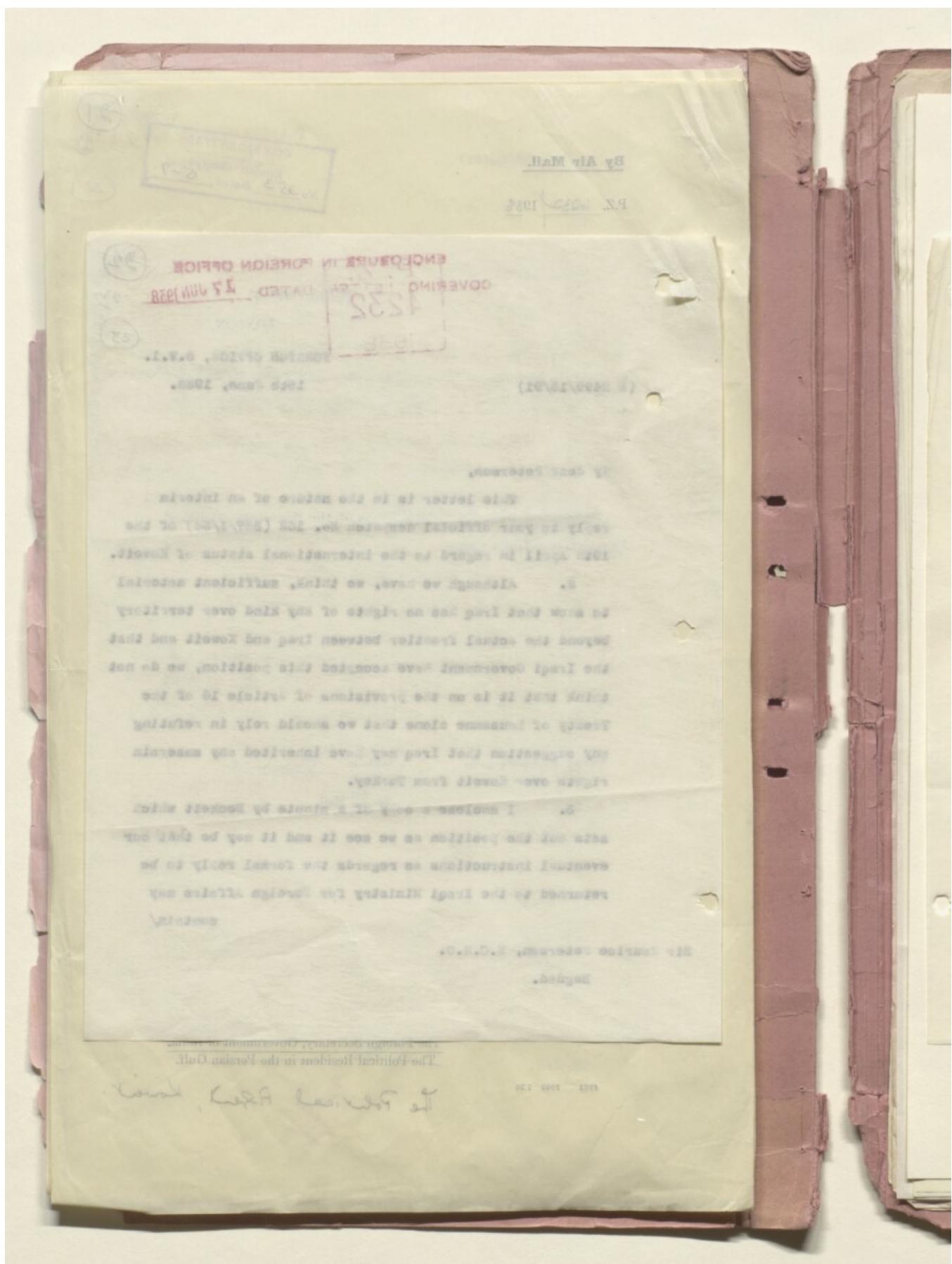


"ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٢٣ و ٤٥] (٨٢/٤٥)





## "ملف ٤١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٢٣] [٦٤/٨٢]





(23)  
24

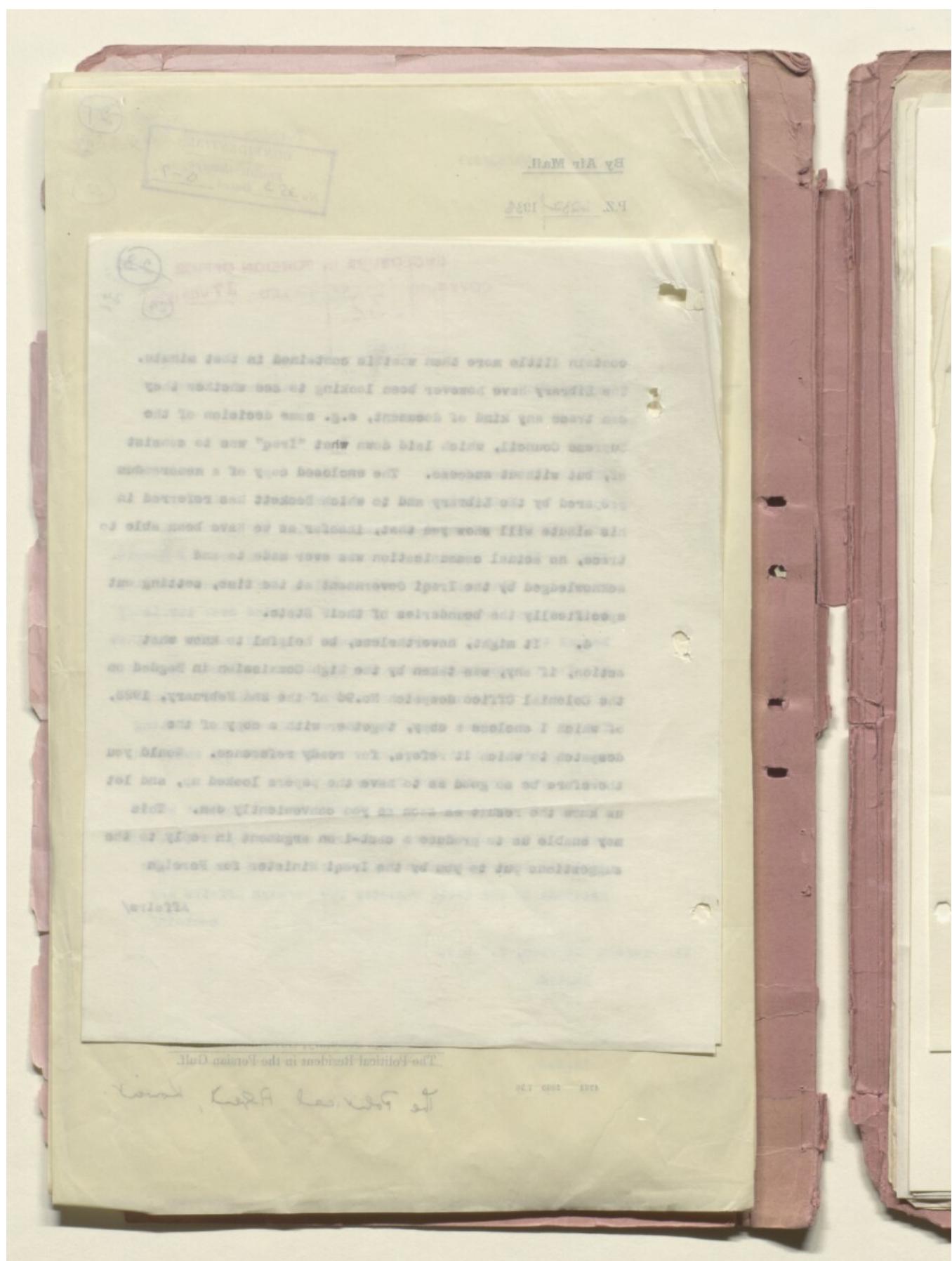
contain little more than what is contained in that minute. The Library have however been looking to see whether they can trace any kind of document, e.g. some decision of the Supreme Council, which laid down what "Iraq" was to consist of, but without success. The enclosed copy of a memorandum prepared by the Library and to which Beckett has referred in his minute will show you that, insofar as we have been able to trace, no actual communication was ever made to and acknowledged by the Iraqi Government at the time, setting out specifically the boundaries of their State.

4. It might, nevertheless, be helpful to know what action, if any, was taken by the High Commission in Bagdad on the Colonial Office despatch No. 96 of the 2nd February, 1923, of which I enclose a copy, together with a copy of the despatch to which it refers, for ready reference. Would you therefore be so good as to have the papers looked up, and let us know the result as soon as you conveniently can. This may enable us to produce a cast-iron argument in reply to the suggestions put to you by the Iraqi Minister for Foreign

Affairs/

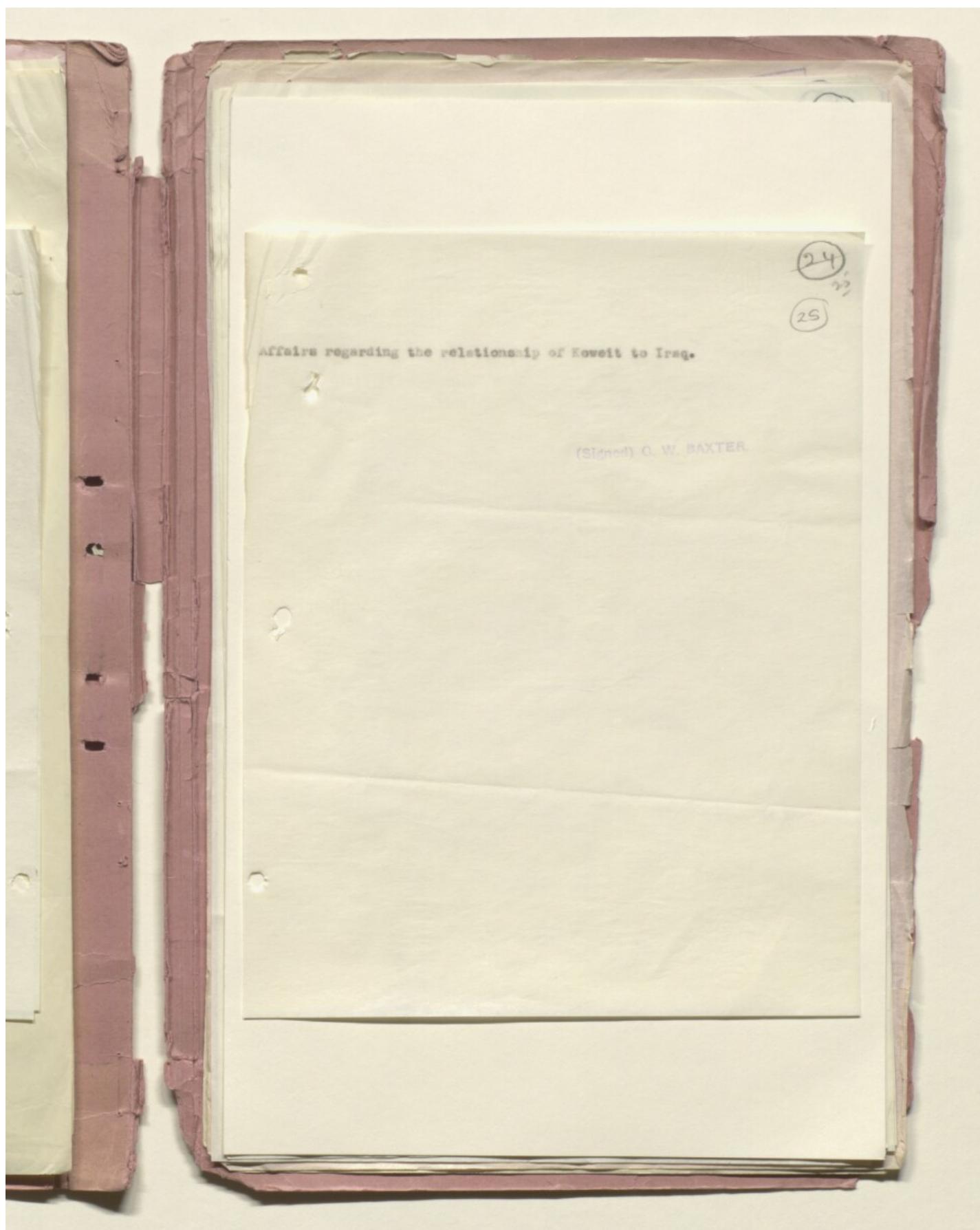


## "ملف ٤٢١ الجنسية الكويتية والوضع الدولي للكويت" [٤٢٠] [٨٢/٤٨]



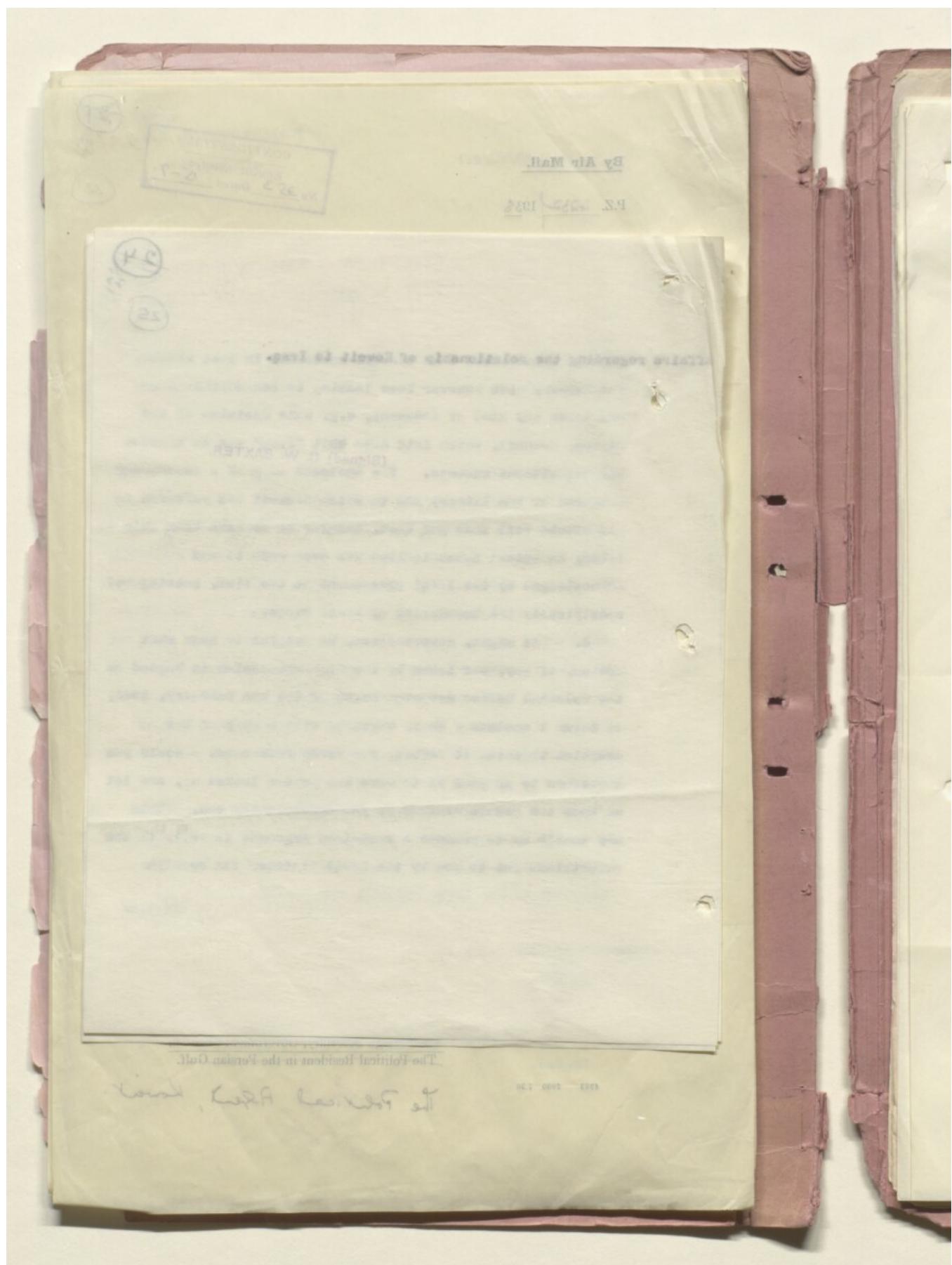


"ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٢٥] و [٩] (٨٢/٤٩)



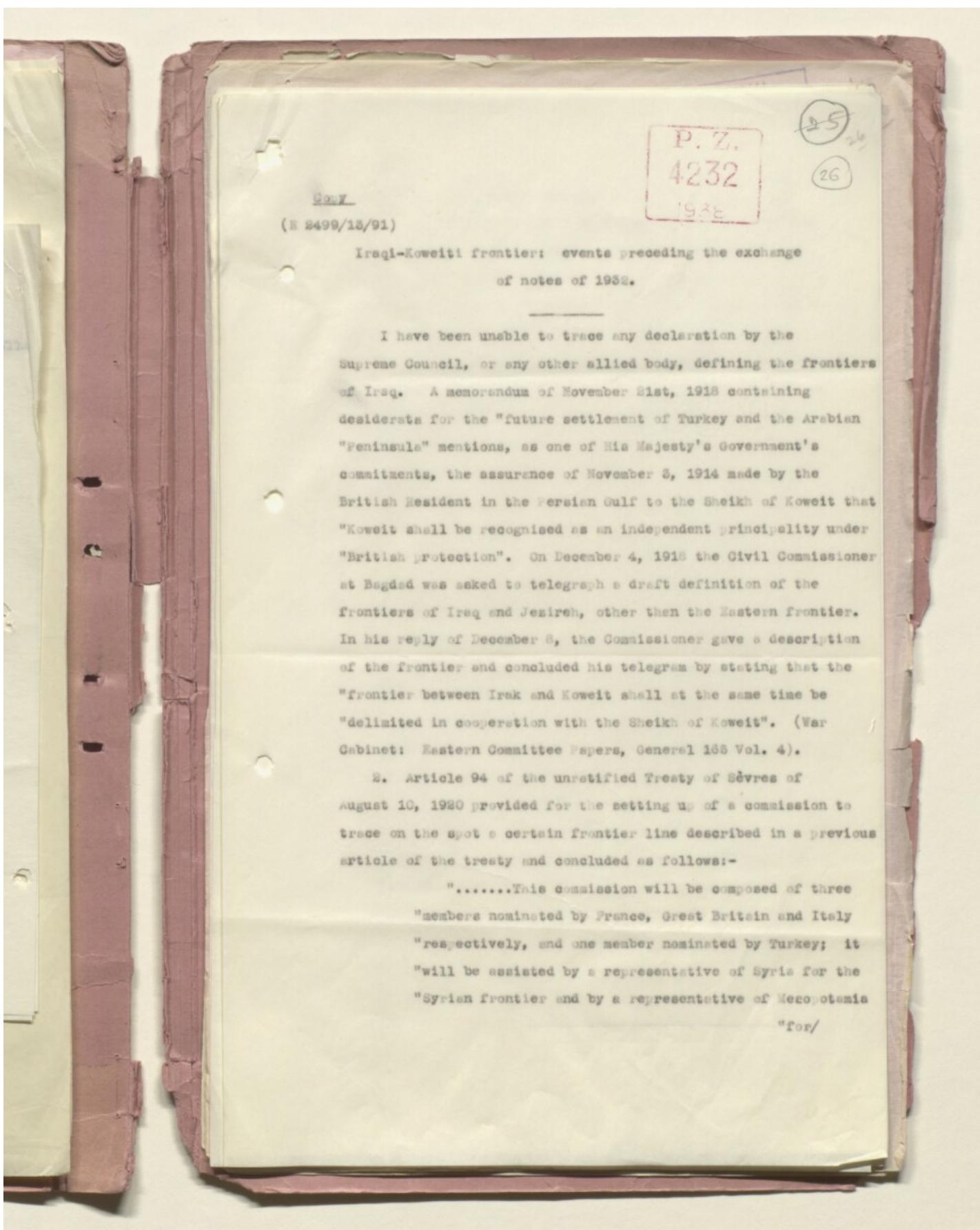


## "ملف ٤١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٥٢٥] (٨٢/٥٠)





## "ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٢٦ و] (٨٢٥١)



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P. Z.  
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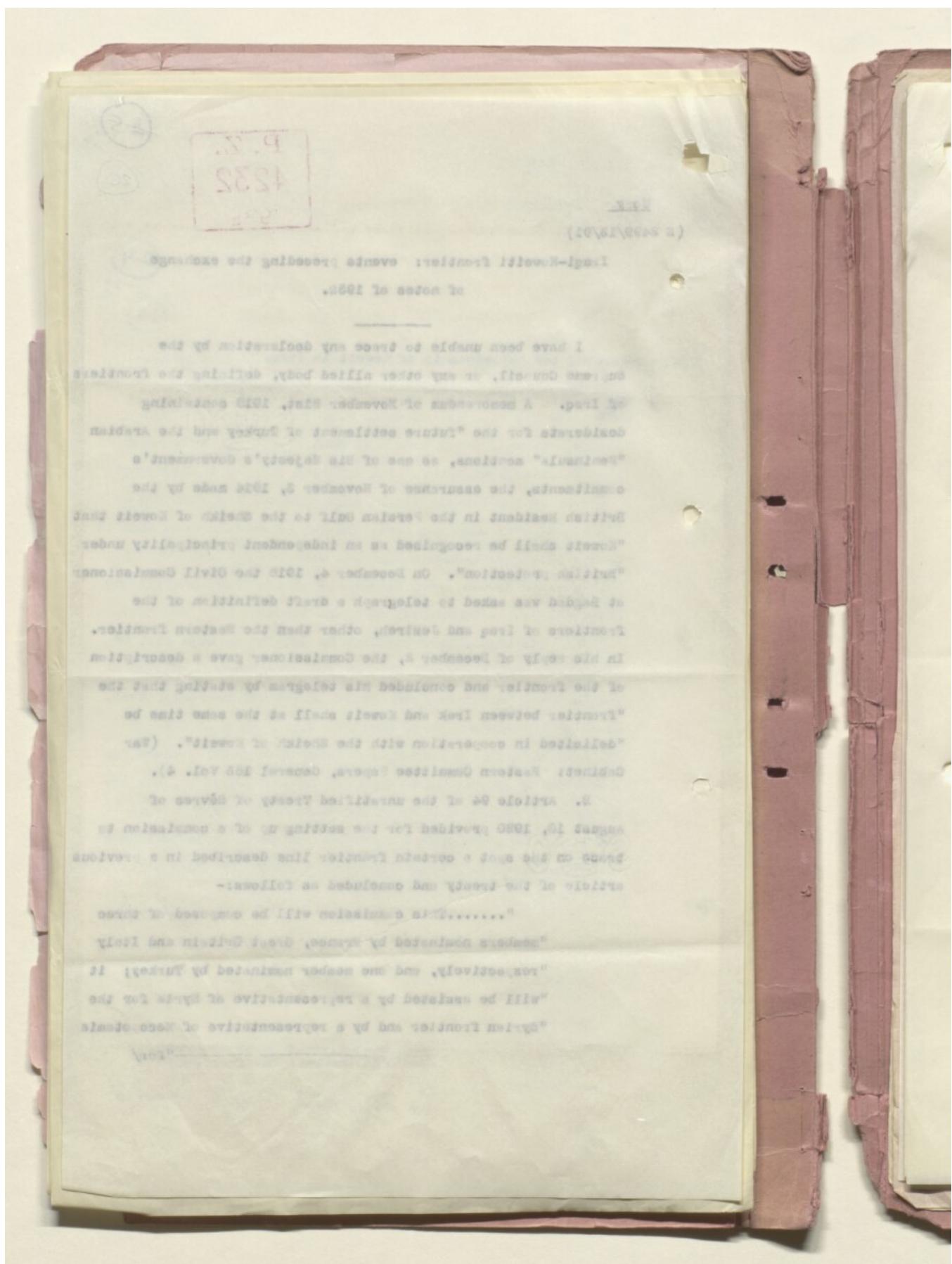
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Iraqi-Kuwaiti frontier: events preceding the exchange  
of notes of 1938.

I have been unable to trace any declaration by the Supreme Council, or any other allied body, defining the frontiers of Iraq. A memorandum of November 21st, 1918 containing desiderata for the "future settlement of Turkey and the Arabian Peninsula" mentions, as one of His Majesty's Government's commitments, the assurance of November 3, 1914 made by the British Resident in the Persian Gulf to the Sheikh of Kuwait that "Kuwait shall be recognised as an independent principality under British protection". On December 4, 1918 the Civil Commissioner at Baghdad was asked to telegraph a draft definition of the frontiers of Iraq and Jezireh, other than the Eastern frontier. In his reply of December 8, the Commissioner gave a description of the frontier and concluded his telegram by stating that the "frontier between Iraq and Kuwait shall at the same time be delimited in cooperation with the Sheikh of Kuwait". (War Cabinet: Eastern Committee Papers, General 165 Vol. 4).

2. Article 94 of the unratified Treaty of Sèvres of August 10, 1920 provided for the setting up of a commission to trace on the spot a certain frontier line described in a previous article of the treaty and concluded as follows:-

".....This commission will be composed of three members nominated by France, Great Britain and Italy respectively, and one member nominated by Turkey; it will be assisted by a representative of Syria for the Syrian frontier and by a representative of Mesopotamia  
"for/





(26) ٢٧

(27)

"for the Mesopotamian frontier.

"The determination of the other frontiers of the  
"said States and the selection of the Mandatories will  
"be made by the Principal Allied Powers."

3. On October 6, 1920 the Cabinet Offices forwarded to the Foreign Office a copy of a letter of August 5 which had been addressed to the Prime Minister by the President of the Council of the League of Nations enquiring, amongst other things, as to which Powers had been appointed mandatories of the ex-Turkish territories and what were the boundaries of the territories referred to by the mandates in question. The Foreign Office reply of November 3, 1920 was as follows:-

"With regard to the Mesopotamian and Palestine  
"mandates agreement has been reached with the French  
"Government regarding their terms and the terms of  
"the Syrian draft mandate. The mandates are therefore  
"practically ready for communication to the British  
"representative on the Council of the League of  
"Nations for submission to the Council, but their  
"transmission to the Cabinet Secretariat has been  
"suspended for the moment until a decision is reached  
"regarding an addition to the Palestine mandate proposed  
"in the Cabinet and certain suggestions recently  
"telegraphed by His Majesty's High Commissioner for  
"Mesopotamia regarding the Mesopotamian mandate. It  
"is hoped, however, that the British and French  
"representatives will be in a position to lay the  
"draft "A" mandates before the Council at their next  
"meeting and no objection is seen to the British  
"representative so informing the Assembly, should  
"the necessity for such a communication regarding the  
"mandates/



" ملف ٤٢١ الجنسية الكويتية والوضع الدولي للكويت" [٤٢٧] [٥٤/٨٢]



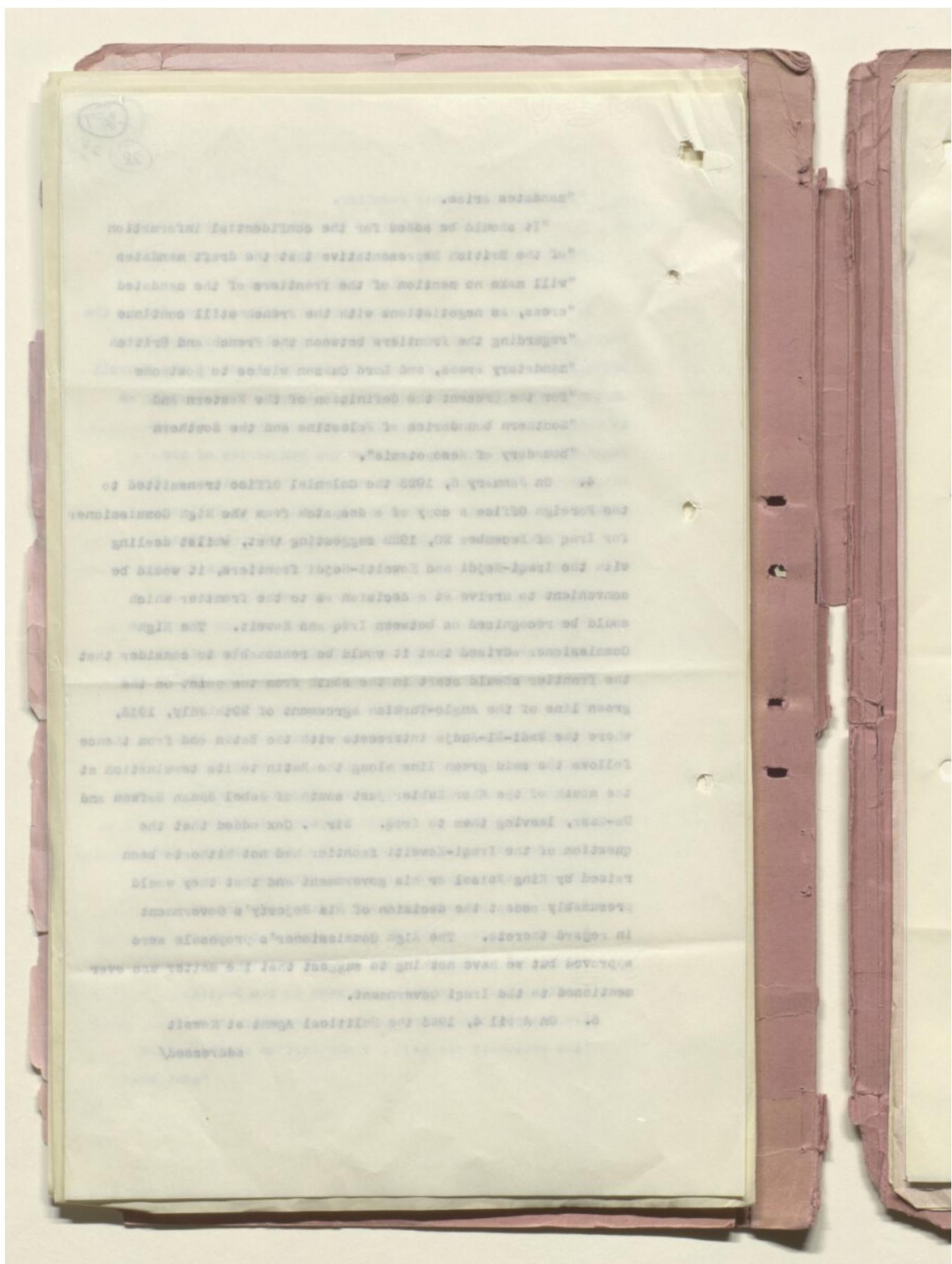
(27)  
(28) ٢٦

"mandates arise.

"It should be added for the confidential information  
of the British Representative that the draft mandates  
"will make no mention of the frontiers of the mandated  
areas, as negotiations with the French still continue  
"regarding the frontiers between the French and British  
"mandatory areas, and Lord Curzon wishes to postpone  
"for the present the definition of the Eastern and  
"Southern boundaries of Palestine and the Southern  
"boundary of Mesopotamia".

4. On January 6, 1923 the Colonial Office transmitted to  
the Foreign Office a copy of a despatch from the High Commissioner  
for Iraq of December 20, 1922 suggesting that, whilst dealing  
with the Iraqi-Nejdi and Koweiti-Nejdi frontiers, it would be  
convenient to arrive at a decision as to the frontier which  
could be recognised as between Iraq and Koweit. The High  
Commissioner advised that it would be reasonable to consider that  
the frontier should start in the south from the point on the  
green line of the Anglo-Turkish agreement of 29th July, 1918,  
where the Wadi-El-Audja intersects with the Batin and from thence  
follows the said green line along the Batin to its termination at  
the mouth of the Khor Zubier just south of Jebel Sanam Safwan and  
Um-Qasr, leaving them to Iraq. Sir P. Cox added that the  
question of the Iraqi-Koweiti frontier had not hitherto been  
raised by King Faisal or his government and that they would  
presumably accept the decision of His Majesty's Government  
in regard thereto. The High Commissioner's proposals were  
approved but we have nothing to suggest that the matter was ever  
mentioned to the Iraqi Government.

5. On April 4, 1923 the Political Agent at Koweit  
addressed/





"ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٢٩] و [٨٢/٥٧]

(28)  
29

addressed a despatch to the High Commissioner for Iraq stating that the Sheikh of Kuwait, who had asked for a ruling as to his frontier with Iraq, claimed the northern portion of the green line on the map attached to the draft Anglo-Turkish agreement of July 29th, 1913. In his reply Sir P. Cox defined the frontier line which he said was, in so far as it went, identical with the frontier indicated in the agreement of 1913.

6. According to our records the next reference to the Iraqi-Kuwaiti frontier is contained in the exchange of notes of July-August, 1938.

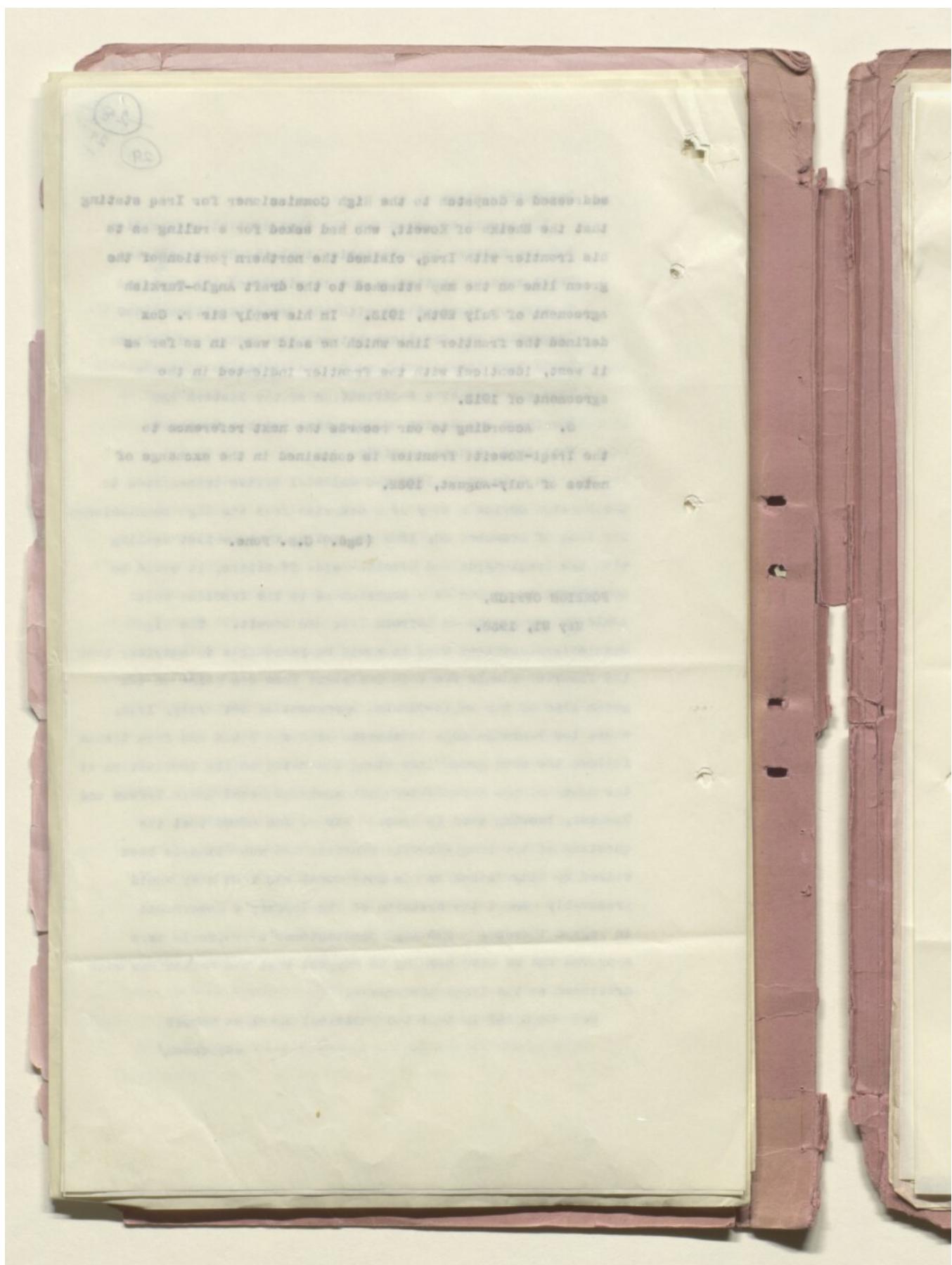
(Sgd.) C. S. Fone.

FOREIGN OFFICE,

May 21, 1938.



## "ملف ٤١/٤ الجنسية الكويتية والوضع الدولي للكويت" [ظ٢٩] (٨٢/٥٨)





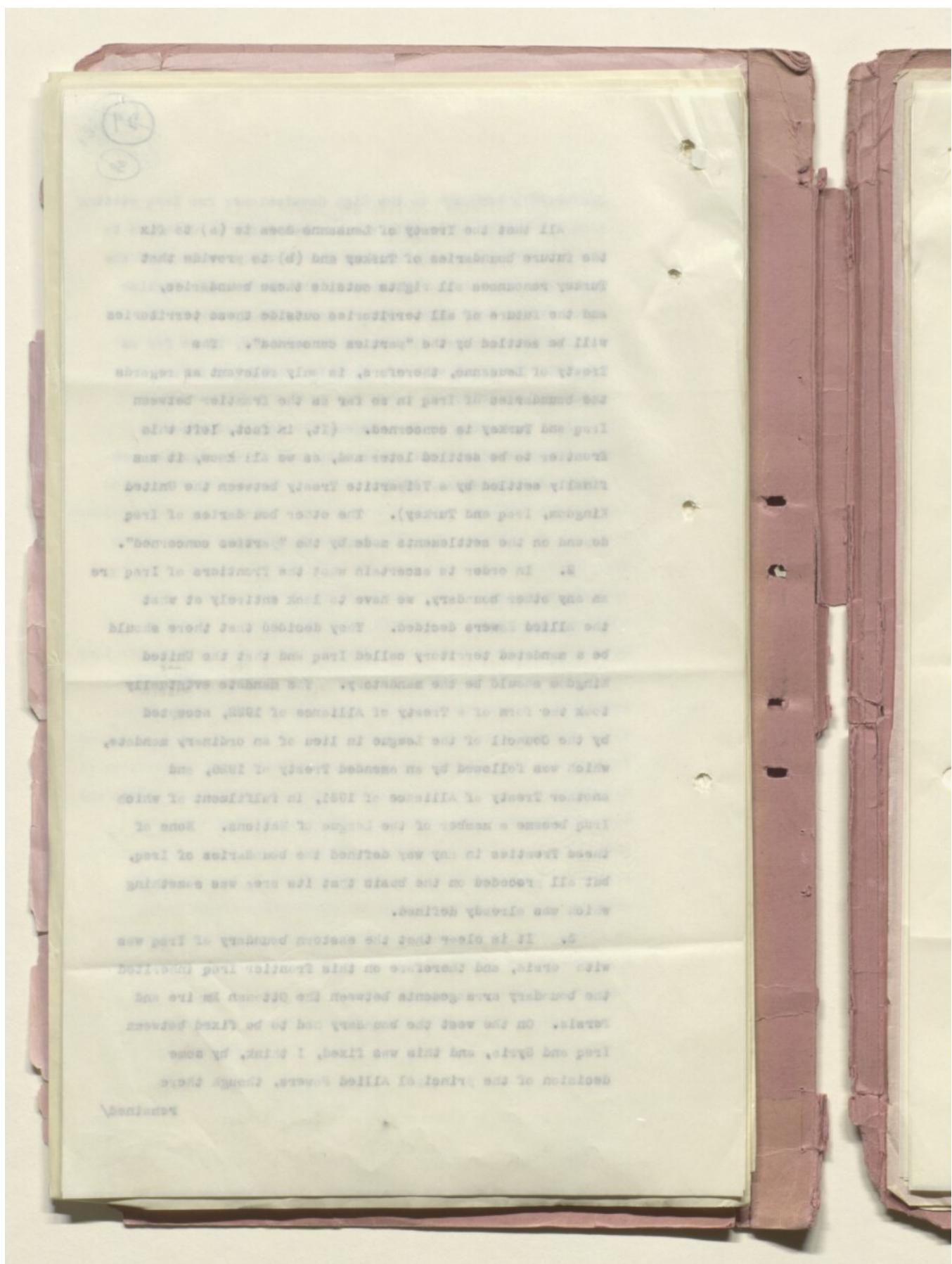
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(30)

All that the Treaty of Lausanne does is (a) to fix the future boundaries of Turkey and (b) to provide that Turkey renounces all rights outside these boundaries, and the future of all territories outside these territories will be settled by the "parties concerned". The Treaty of Lausanne, therefore, is only relevant as regards the boundaries of Iraq in so far as the frontier between Iraq and Turkey is concerned. (It, in fact, left this frontier to be settled later and, as we all know, it was finally settled by a Tripartite Treaty between the United Kingdom, Iraq and Turkey). The other boundaries of Iraq depend on the settlements made by the "parties concerned".

2. In order to ascertain what the frontiers of Iraq are on any other boundary, we have to look entirely at what the Allied Powers decided. They decided that there should be a mandated territory called Iraq and that the United Kingdom should be the mandatory. The mandate eventually took the form of a Treaty of Alliance of 1922, accepted by the Council of the League in lieu of an ordinary mandate, which was followed by an amended Treaty of 1926, and another Treaty of Alliance of 1931, in fulfilment of which Iraq became a member of the League of Nations. None of these Treaties in any way defined the boundaries of Iraq, but all proceeded on the basis that its area was something which was already defined.

3. It is clear that the eastern boundary of Iraq was with Persia, and therefore on this frontier Iraq inherited the boundary arrangements between the Ottoman Empire and Persia. On the west the boundary had to be fixed between Iraq and Syria, and this was fixed, I think, by some decision of the principal Allied Powers, though there

remained/





(30)  
(31)

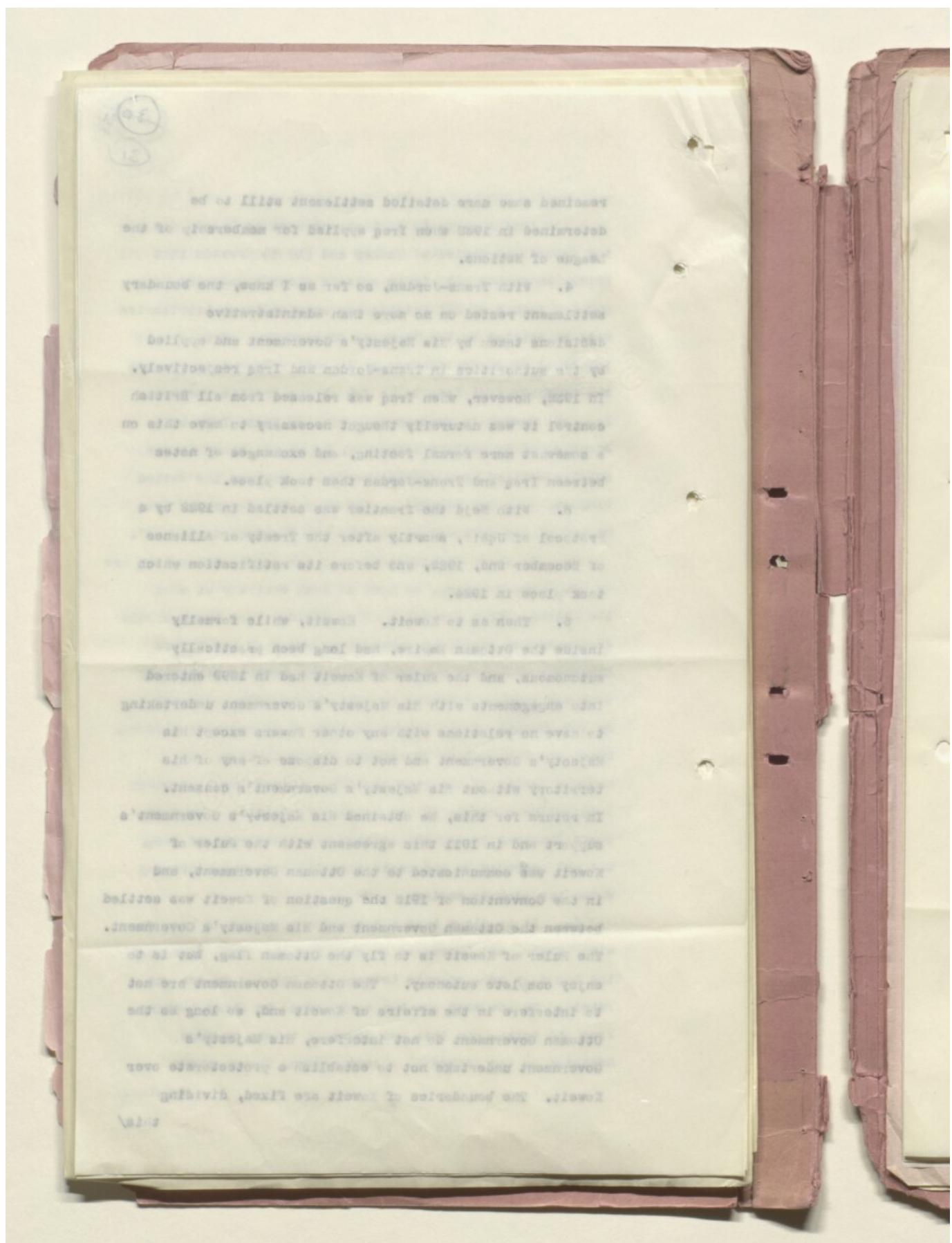
remained some more detailed settlement still to be determined in 1932 when Iraq applied for membership of the League of Nations.

4. With Trans-Jordan, so far as I know, the boundary settlement rested on no more than administrative decisions taken by His Majesty's Government and applied by the authorities in Trans-Jordan and Iraq respectively. In 1932, however, when Iraq was released from all British control it was naturally thought necessary to have this on a somewhat more formal footing, and exchanges of notes between Iraq and Trans-Jordan then took place.

5. With Nejd the frontier was settled in 1922 by a Protocol of Uqair, shortly after the Treaty of Alliance of December 2nd, 1922, and before its ratification which took place in 1924.

6. Then as to Koweit. Koweit, while formally inside the Ottoman Empire, had long been practically autonomous, and the Ruler of Koweit had in 1899 entered into engagements with His Majesty's Government undertaking to have no relations with any other Powers except His Majesty's Government and not to dispose of any of his territory without His Majesty's Government's consent. In return for this, he obtained His Majesty's Government's support and in 1911 this agreement with the Ruler of Koweit was communicated to the Ottoman Government, and in the Convention of 1913 the question of Koweit was settled between the Ottoman Government and His Majesty's Government. The Ruler of Koweit is to fly the Ottoman flag, but is to enjoy complete autonomy. The Ottoman Government are not to interfere in the affairs of Koweit and, so long as the Ottoman Government do not interfere, His Majesty's Government undertake not to establish a protectorate over Koweit. The boundaries of Koweit are fixed, dividing

this/





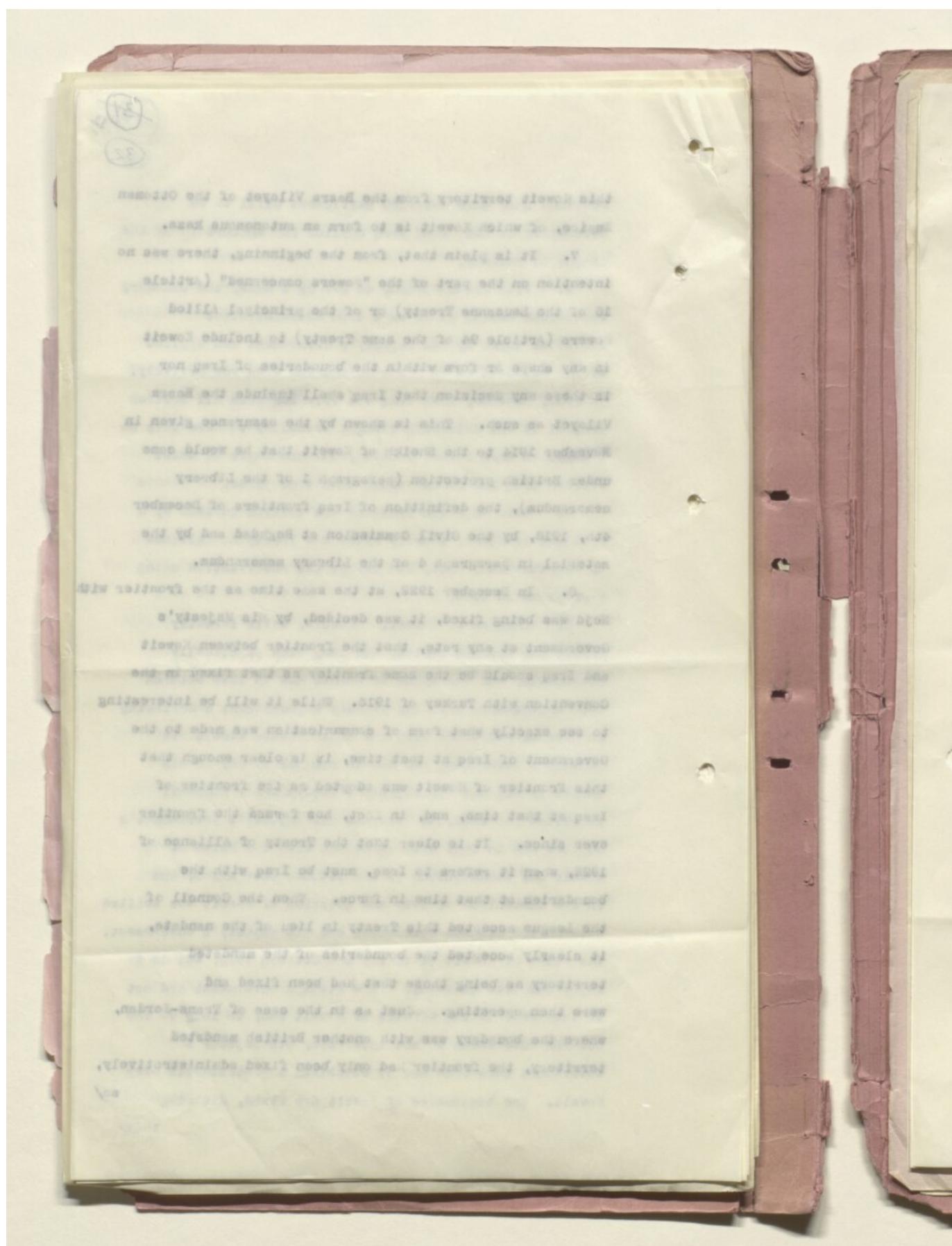
(31)  
(32)

this Koweit territory from the Basra Vilayet of the Ottoman Empire, of which Koweit is to form an autonomous kaza.

7. It is plain that, from the beginning, there was no intention on the part of the "Powers concerned" (Article 16 of the Lausanne Treaty) or of the principal Allied Powers (Article 94 of the same Treaty) to include Koweit in any shape or form within the boundaries of Iraq nor is there any decision that Iraq shall include the Basra Vilayet as such. This is shown by the assurance given in November 1914 to the Sheikh of Koweit that he would come under British protection (paragraph 1 of the Library memorandum), the definition of Iraq frontiers of December 4th, 1918, by the Civil Commission at Baghdad and by the material in paragraph 4 of the Library memorandum.

8. In December 1922, at the same time as the frontier with Hejd was being fixed, it was decided, by His Majesty's Government at any rate, that the frontier between Koweit and Iraq should be the same frontier as that fixed in the Convention with Turkey of 1918. While it will be interesting to see exactly what form of communication was made to the Government of Iraq at that time, it is clear enough that this frontier of Koweit was adopted as the frontier of Iraq at that time, and, in fact, has formed the frontier ever since. It is clear that the Treaty of Alliance of 1922, when it refers to Iraq, must be Iraq with the boundaries at that time in force. When the Council of the League accepted this Treaty in lieu of the mandate, it clearly accepted the boundaries of the mandated territory as being those that had been fixed and were then operating. Just as in the case of Trans-Jordan, where the boundary was with another British mandated territory, the frontier had only been fixed administratively,

so/





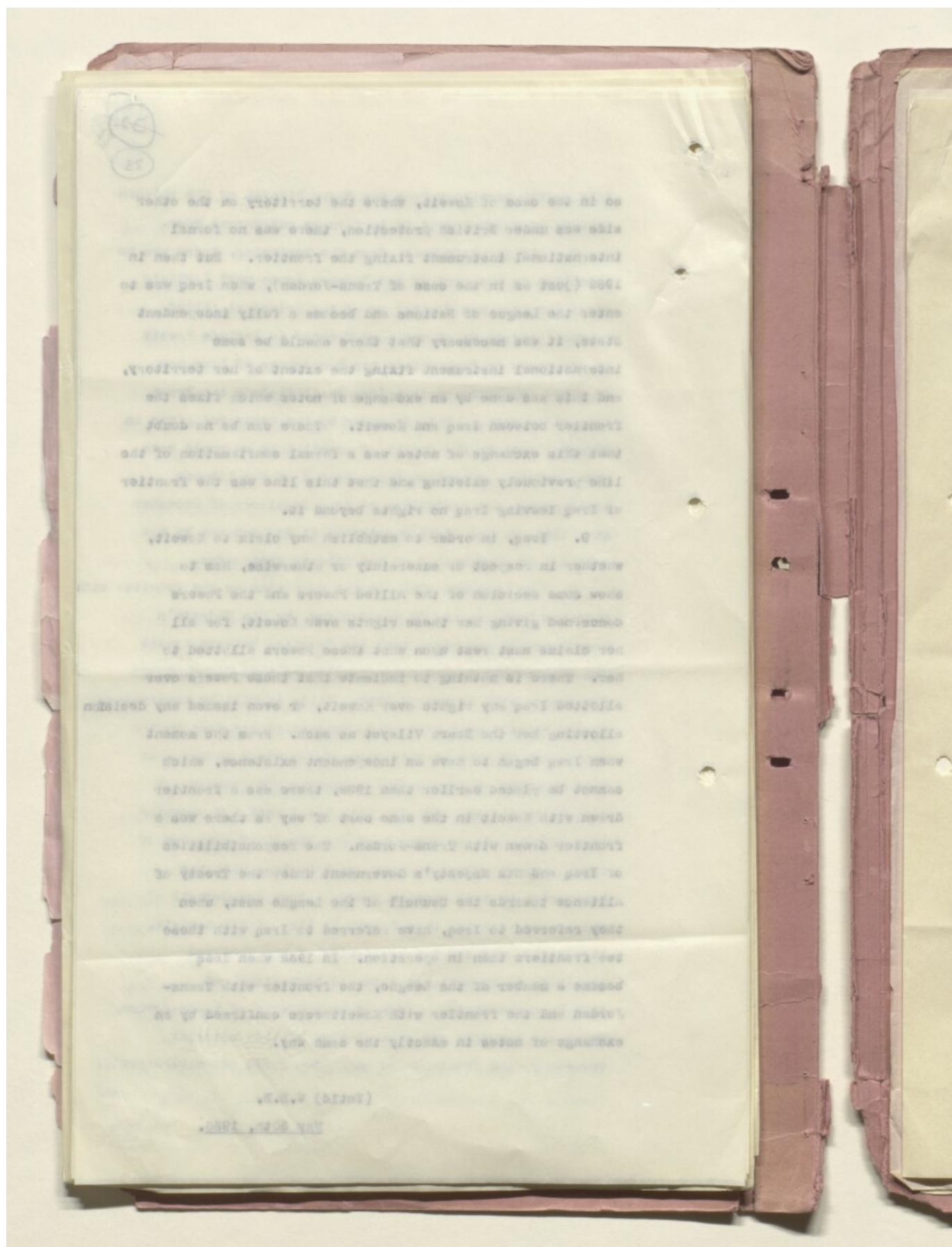
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so in the case of Kuwait, where the territory on the other side was under British protection, there was no formal international instrument fixing the frontier. But then in 1932 (just as in the case of Trans-Jordan), when Iraq was to enter the League of Nations and become a fully independent State, it was necessary that there should be some international instrument fixing the extent of her territory, and this was done by an exchange of notes which fixes the frontier between Iraq and Kuwait. There can be no doubt that this exchange of notes was a formal confirmation of the line previously existing and that this line was the frontier of Iraq leaving Iraq no rights beyond it.

9. Iraq, in order to establish any claim to Kuwait, whether in respect of suzerainty or otherwise, has to show some decision of the Allied Powers and the Powers concerned giving her these rights over Kuwait, for all her claims must rest upon what these Powers allotted to her. There is nothing to indicate that these Powers ever allotted Iraq any rights over Kuwait, or even issued any decision allotting her the Basra Vilayet as such. From the moment when Iraq began to have an independent existence, which cannot be placed earlier than 1922, there was a frontier drawn with Kuwait in the same sort of way as there was a frontier drawn with Trans-Jordan. The responsibilities of Iraq and His Majesty's Government under the Treaty of Alliance towards the Council of the League must, when they referred to Iraq, have referred to Iraq with these two frontiers then in operation. In 1932 when Iraq became a member of the League, the frontier with Trans-Jordan and the frontier with Kuwait were confirmed by an exchange of notes in exactly the same way.

(Intld) W.E.B.

May 30th, 1938.





"ملف ٤١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٣٤ و] (٨٢/٦٧)

(33) 34  
34

COPY  
(E 1520/46/91)

IRAQ  
To. 96.

DOWNING STREET,  
2nd February, 1923.

Sir,

I have the honour to acknowledge the receipt of Sir P. Cox's despatches No. 876 of the 19th of December and Nos. 874 and 877 of the 20th December regarding the settlement of the Iraq-Nejd, Iraq-Koweit and Nejd-Koweit boundaries, and to inform you that I approve the proposals made in the two last mentioned despatches.

2. With regard to despatch No. 876, your proposals relating to the Iraq-Nejd frontier also are approved, subject to rectification of a small mistake which occurs in the concluding sentence of the second paragraph of Protocol No. 1. The words "Latitude 32 East" should read "latitude 32 north" and, similarly, "Longitude 30 north" should read "longitude 39 east".

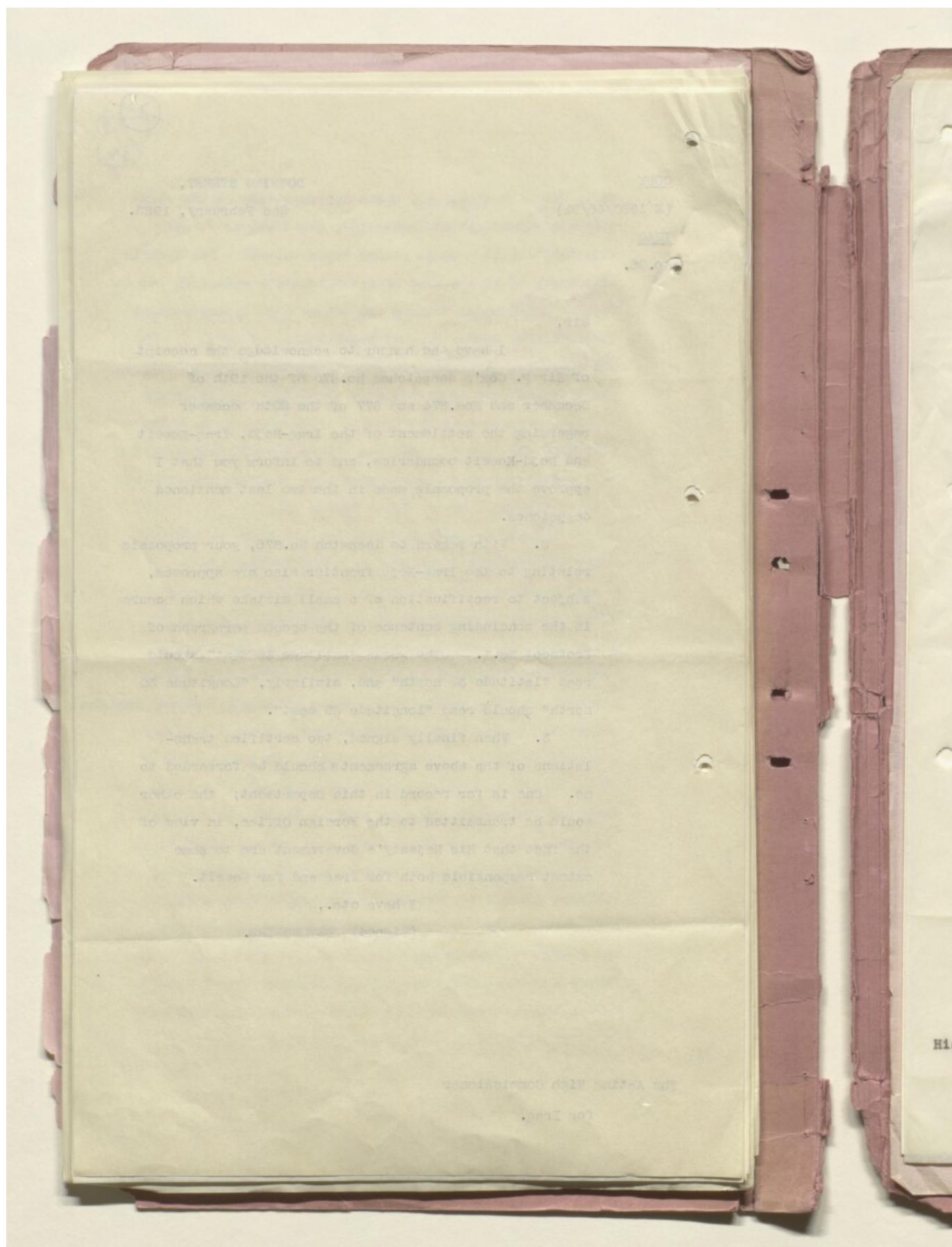
3. When finally signed, two certified translations of the above agreements should be forwarded to me. One is for record in this Department; the other would be transmitted to the Foreign Office, in view of the fact that His Majesty's Government are to some extent responsible both for Iraq and for Koweit.

I have etc.,  
(signed) DEVONSHIRE.

The Acting High Commissioner  
for Iraq.



## "ملف ٤٢١ الجنسية الكويتية والوضع الدولي للكويت" [٤٣٣] [٨٢/٦٨]





"ملف ٤١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٣٥] و[٨٢/٦٩]

Copy.

(E 298/46/91).

No. C.O.874.

P.Z.  
4232

The Residency

Baghdad, the 20th December, 1922.

(34)  
(35)

My Lord Duke,

With reference to my two subsequent despatches dealing provisionally with the Iraq-Najd and Kuwait-Najd frontiers, it would be convenient if we could at the same time arrive at a decision as to the frontier which we can advisedly recognise as between Iraq and Kuwait.

I have the honour to suggest for the consideration of His Majesty's Government that it would be reasonable for us to consider that the said frontier should start in the South from the point on the green line of the Anglo-Turkish Agreement of 29th July, 1913, where the Wadi-el-Audja intersects with the Batin, and from thence follow the said green line along the Batin to its termination at the mouth of the Khor Zubier just South of Jebel Sanam Safwan and Um-Qasr, leaving them to Iraq.

I shall be glad to be informed whether the proposition meets the views of His Majesty's Government. I may mention that the question of the Iraq-Kuwait frontier has not hitherto been raised by King Faisal or his Government and they will presumably accept our decision in regard thereto.

I have, etc.

(Signed) B.H. Bourdillon.

for High Commissioner for Iraq.

His Grace The Duke of Devonshire, K.G., P.C., G.C.M.G., G.C.V.O.,

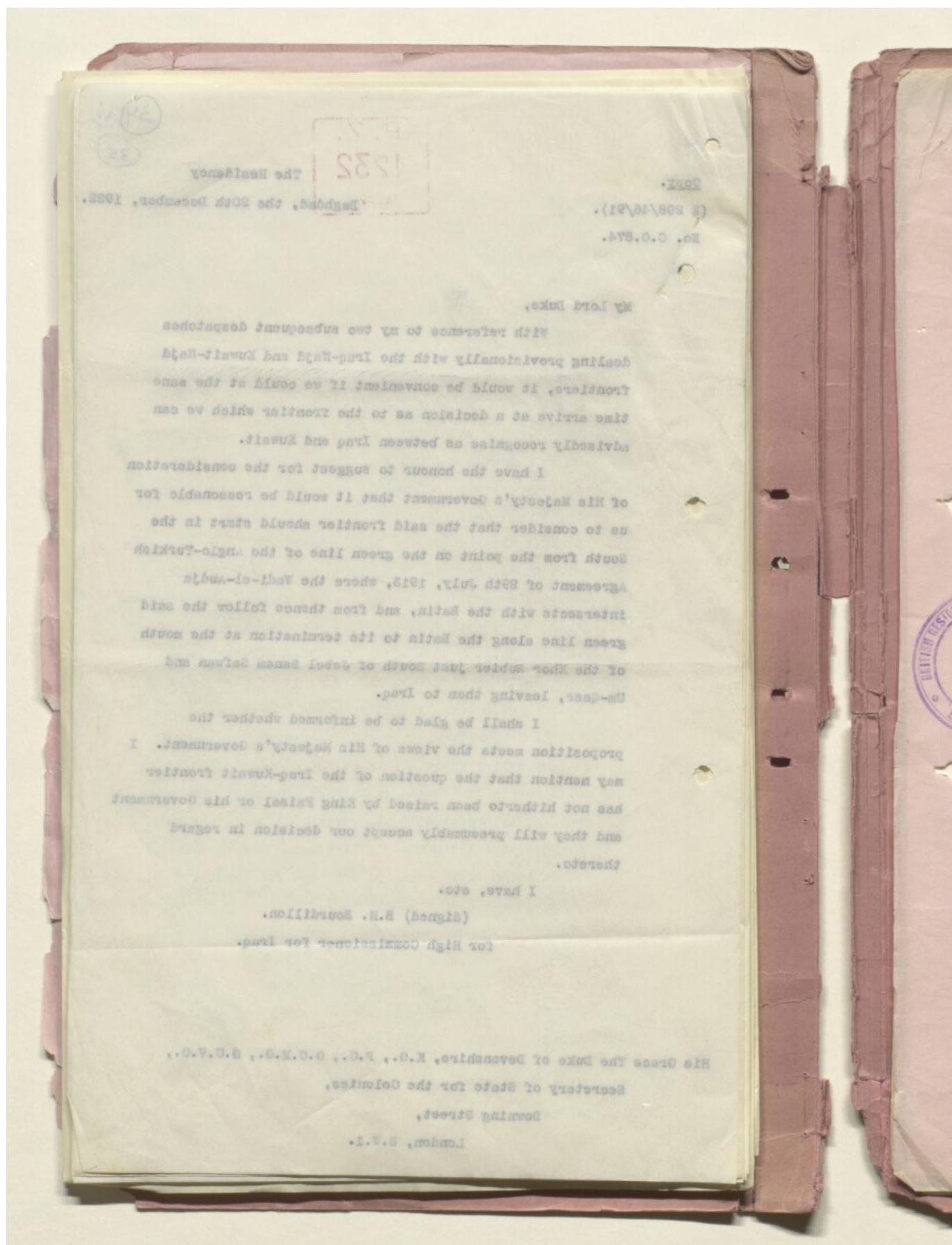
Secretary of State for the Colonies,

Downing Street,

London, S.W.1.

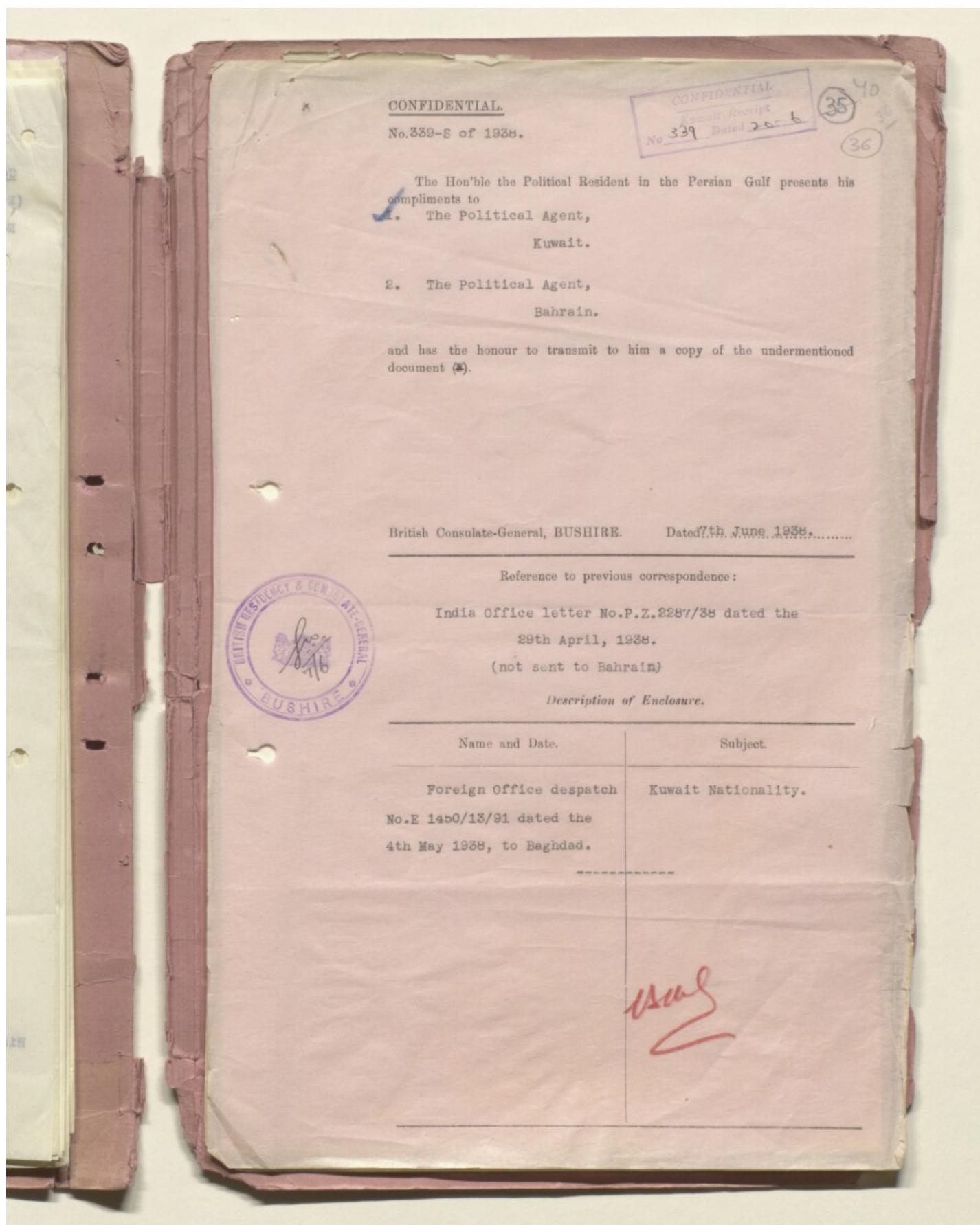


## "ملف ٤٢١ الجنسية الكويتية والوضع الدولي للكويت" [٣٥] [٧٠/٨٢]



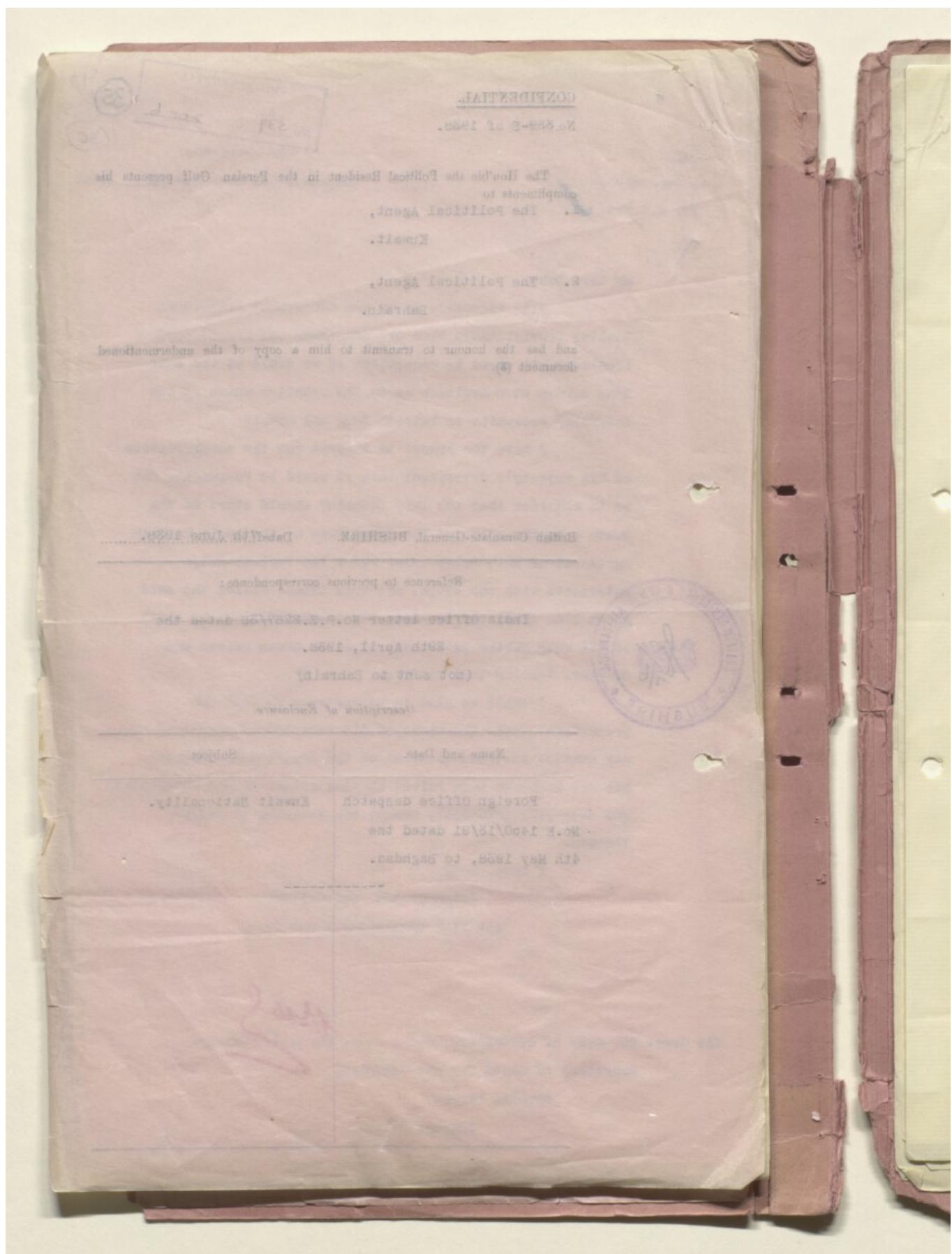


"ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٣٦] و [٨٢/٧١]





## "ملف ٤١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٦٣٦] (٨٢/٧٢)





"ملف ٤١٤ الجنسية الكويتية والوضع الدولي للكويت" [٣٧ و ٨٢/٧٣]

(36) 41  
FOREIGN OFFICE, S.W.1. ٤١  
4th May 1938. (37)

(E 1450/13/91)

My dear Peterson,

In his letter E10/3/38 of the 28th February to Lacy Baggallay Morgan suggested a possible line of defence for use in the event of the Iraqi Government returning to the charge about the date of inception of Kuwaiti nationality.

2. While Morgan's suggested reply might serve its purpose, we think that on the whole it is better not to mention to the Iraqi Government our apprehensions about the possible revival of capitulatory rights.

3. For the reasons explained in paragraph 2 of Foreign Office despatch No. 865 of the 13th December, 1934, our main anxiety in the past has been lest some foreign Power (e.g. the United States of America) might make a claim to such a revival. But we feel that with the passing of time it is now really too late for the United States or any other Government to make such a claim.

4. If therefore the matter is again raised by the Iraqi Government we think there is no longer any reason why you should not reply as suggested in the relevant part of paragraph 6 of the Foreign Office despatch referred to above.

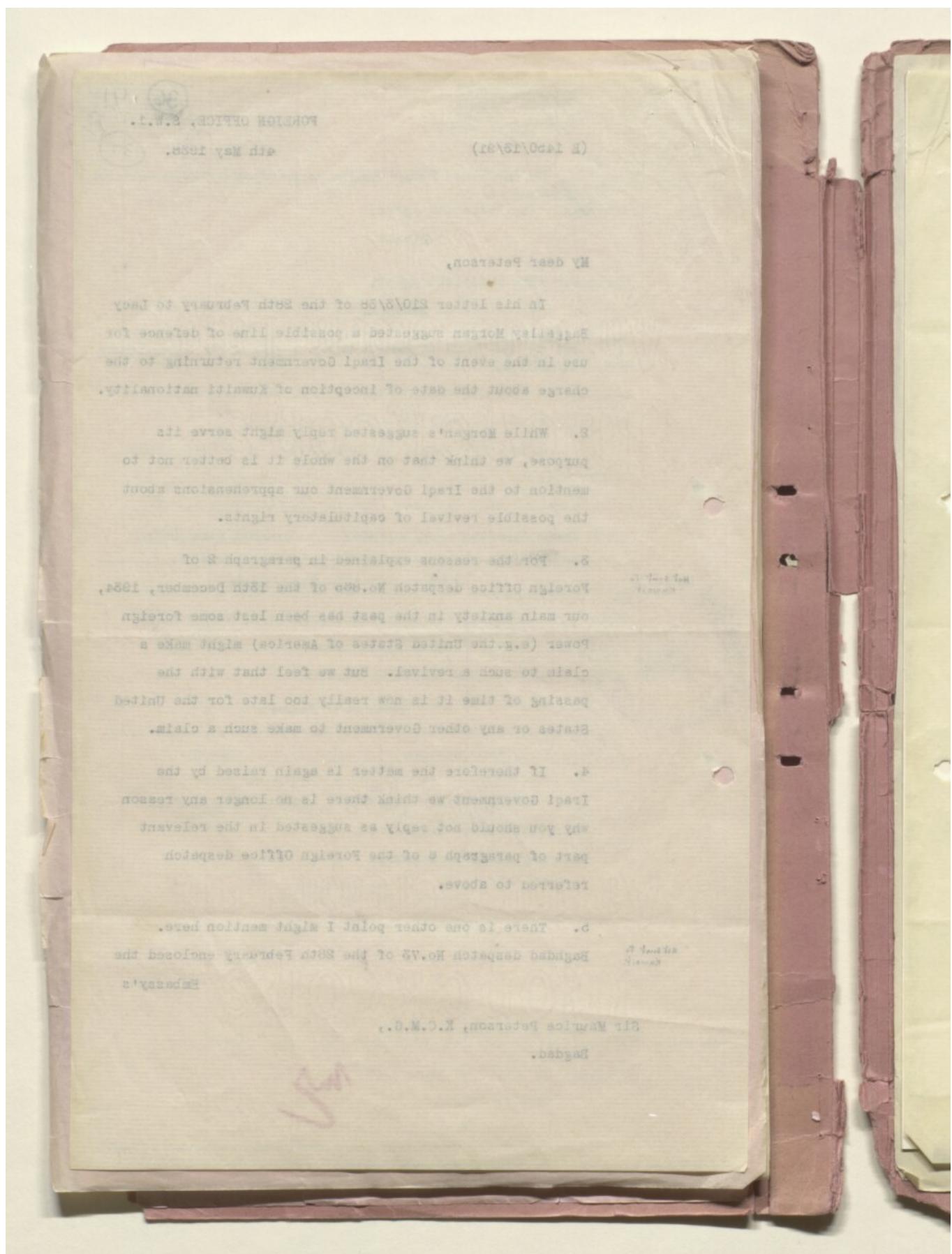
5. There is one other point I might mention here. Baghdad despatch No. 73 of the 28th February enclosed the Embassy's

Sir Maurice Peterson, K.C.M.G.,  
Bagdad.

*mz*



## "ملف ٤٢١ الجنسية الكويتية والوضع الدولي للكويت" [ظ3٧] (٨٢/٧٤)





## "ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٣٨] و [٨٢/٧٥]

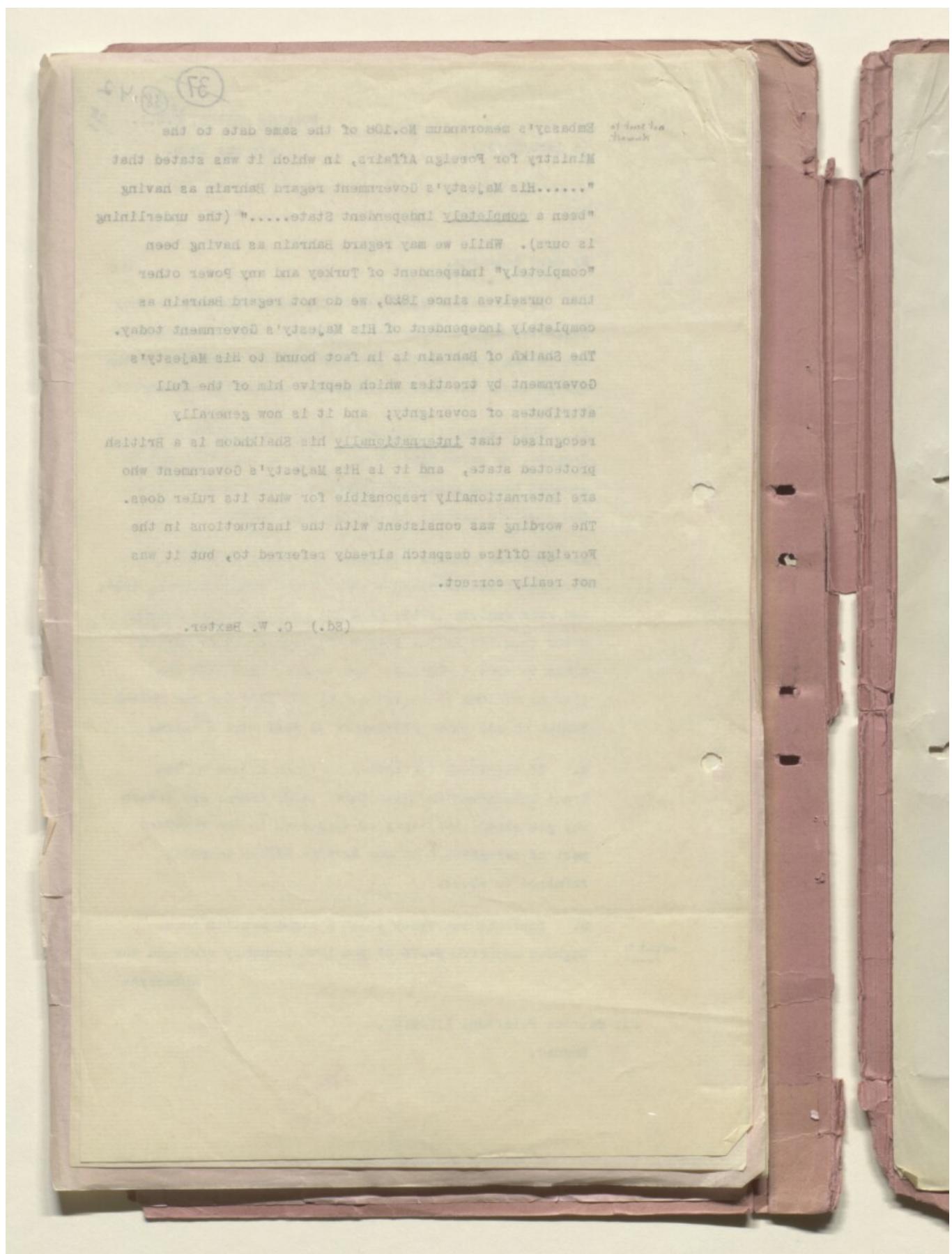
(37) 38 42  
35

Embassy's memorandum No.108 of the same date to the Ministry for Foreign Affairs, in which it was stated that ".....His Majesty's Government regard Bahrain as having been a completely independent State....." (the underlining is ours). While we may regard Bahrain as having been "completely" independent of Turkey and any Power other than ourselves since 1820, we do not regard Bahrain as completely independent of His Majesty's Government today. The Shaikh of Bahrain is in fact bound to His Majesty's Government by treaties which deprive him of the full attributes of sovereignty; and it is now generally recognised that internationally his Shaikhdom is a British protected state, and it is His Majesty's Government who are internationally responsible for what its ruler does. The wording was consistent with the instructions in the Foreign Office despatch already referred to, but it was not really correct.

(Sd.) C. W. Baxter.

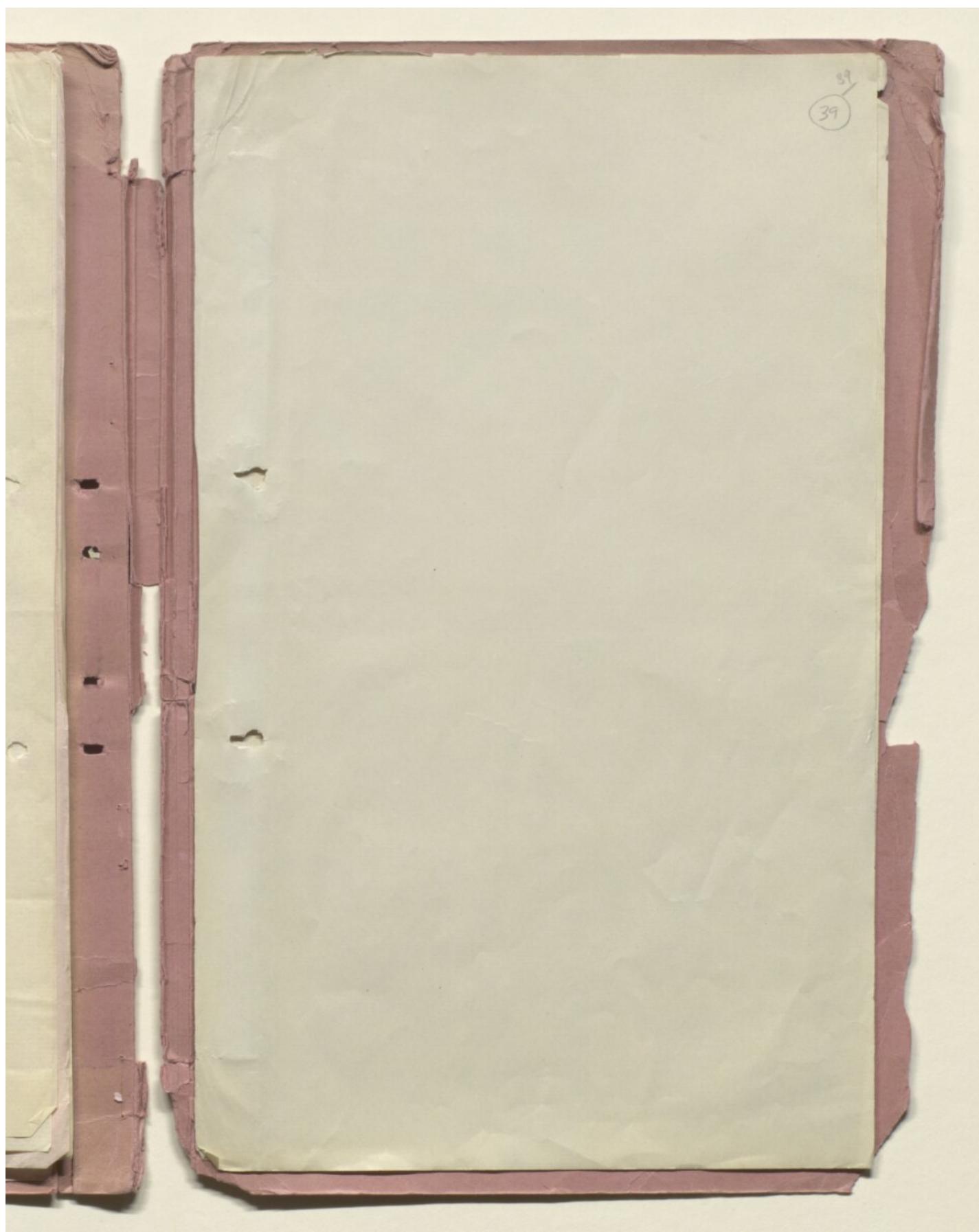


## "ملف ٤١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٣٨] [٧٦/٨٢]





"ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٣٩] و [٨٢/٧٧]



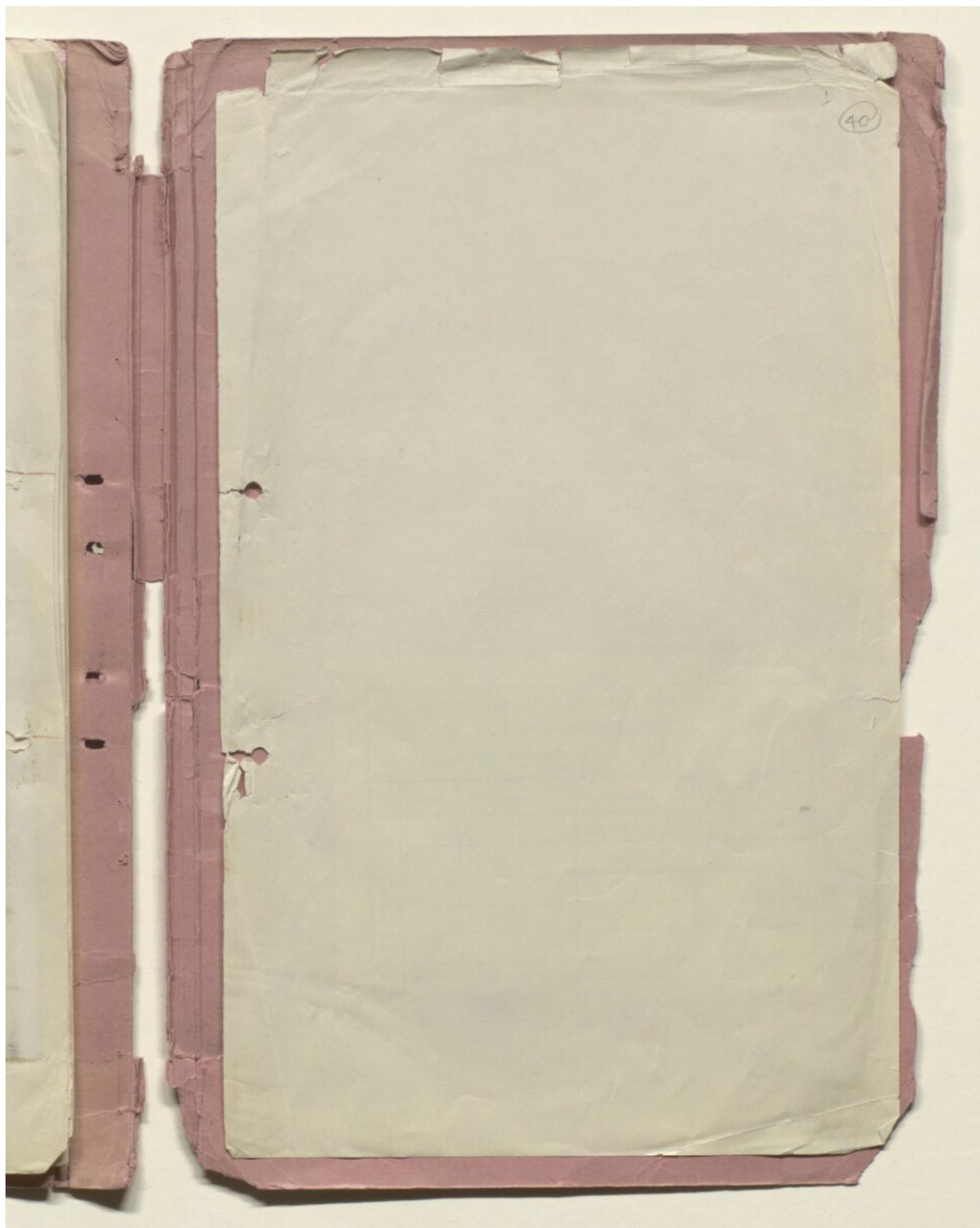


"ملف ٤١/٤ الجنسية الكويتية والوضع الدولي للكويت" [ظ٣٩] (٨٢/٧٨)



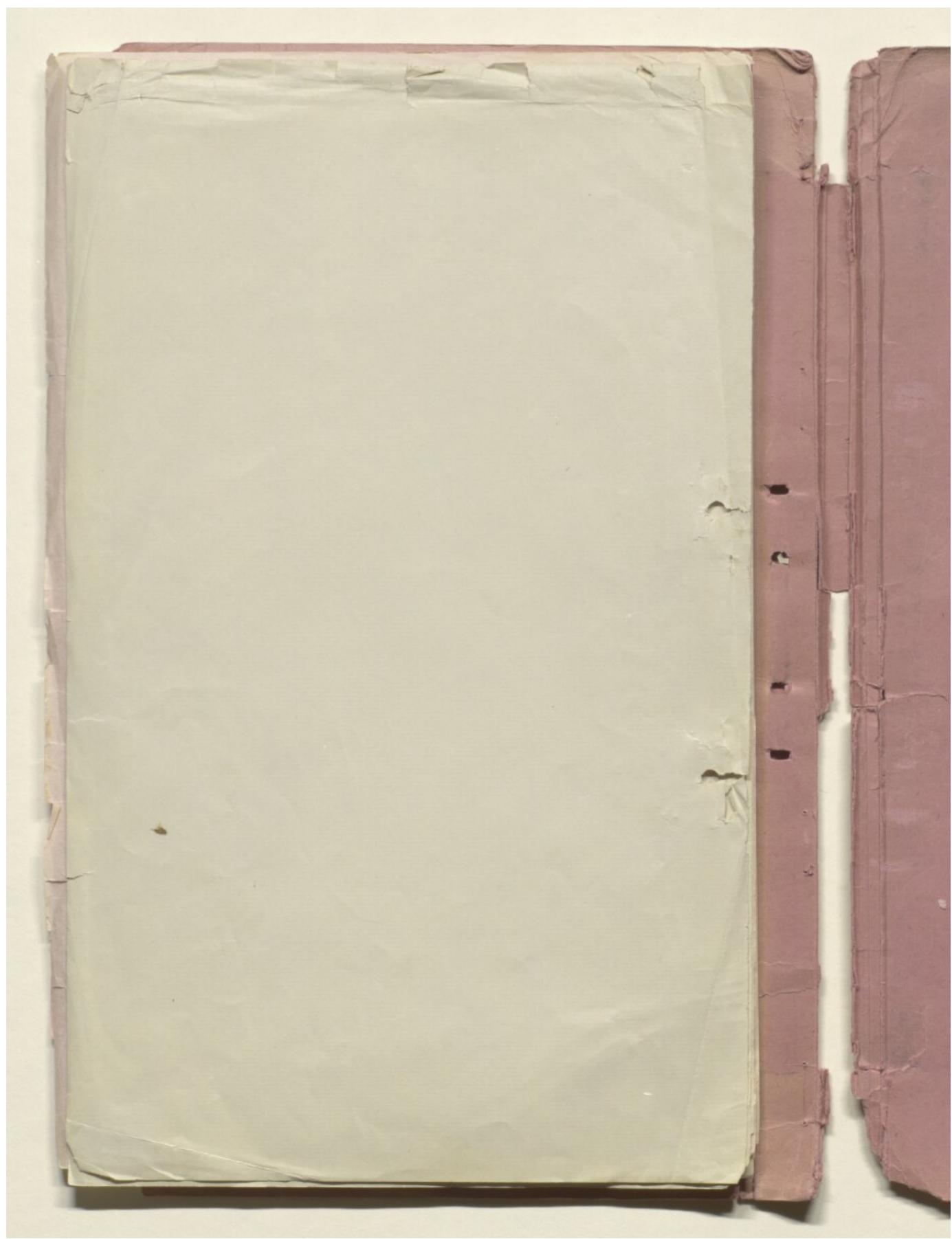


"ملف ٢١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٤٠] و [٨٢/٧٩]



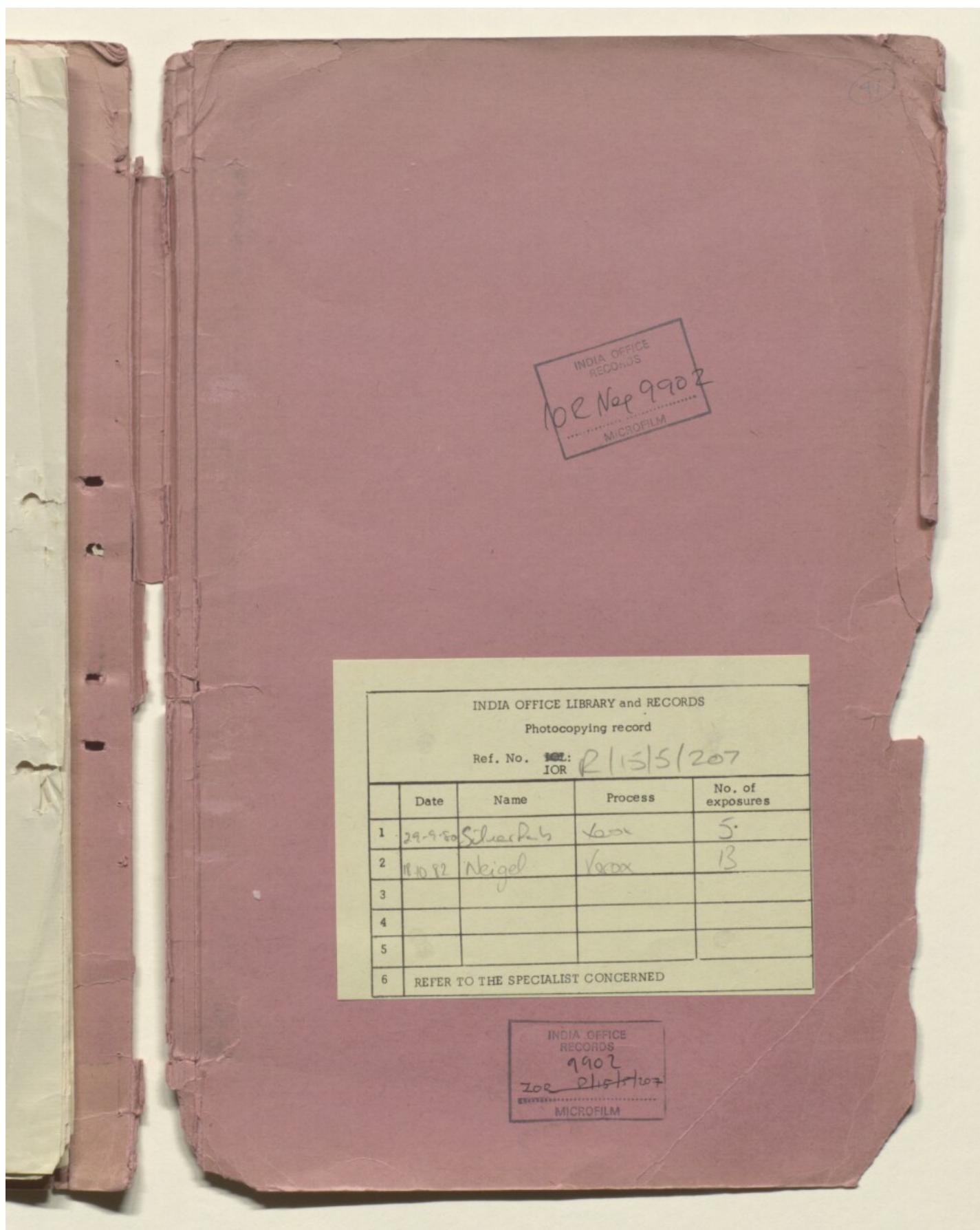


"ملف ٤١/٤ الجنسية الكويتية والوضع الدولي للكويت" [٤٠ ظ] (٨٢/٨٢)





"ملف ٤١٢ الجنسيّة الكويتيّة والوضع الدولي للكويت" [خلفي-داخلي] (٨٢/٨١)





## "ملف ٤١ الجنسيّة الكويتيّة والوضع الدولي للكويت" [خلفي] (٨٢/٨٢)

